


JOURNAL
OF THE
Commons House of Assembly
OF
South Carolina
JUNE 5, 1707--JULY 19, 1707

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Commons House of Assembly

OF

South Carolina

June 5, 1707—July 19, 1707

Edited by
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1707

Je.-July

At a Generall Assembly mett at the House of Cap^t John Collins in Charles Town the fifth day of June 1707

His Excellency John Lord Granville Palatine and the Rest of the true and absolute Lords and Proprietors of the province of Carolina./

To William Williams Esq^r High Sheriff of Berkly and Craven Counties.

Wee Com^{and} you to Sum^{ons} all the freeholders of Berkly Countey, together with all the Inhabitants of Craven Countey qualified for Ellection of Members of Assembly to Convene at the House of Cap^t John Collins Marshall at Charles Town on Wensday the one and Twentieth day of May next then and there according to to the directions of an Act of Assembly Entituled an Act to regulate the Ellections of Members of Assembly to Chuse and Ellect twenty Members of Assembly to Advise, Consult, and Consent, to and with us about the arduous & great affairs and matters of that part of this province that lies South and west of Cape fear which Members so elected you are to Sum^{ons} to meet at Charles Town at the House of Cap^t John Collins on Thursday the fifth day of June next to Sitt in a general Assembly for this part of the province. And this precept and your Execution thereof you are to returne to us at the time and place aforesaid of which you are not fail of,—

Witness Our Govern^r and Council at Charles Town this four and twentieth day of April Anno Domi. 1707

Nicholas Trott

N Johnson

Henry Noble. Rob^t Gibbs.

Tho: Broughton

The Sheriffs Returne

By Virtue of the within writt to me directed bearing date the Twenty fourth day of April Anno Domi 1707 I Summoned all the freeholders of Berkly Countey together with all the Inhabitants of Craven Countey Qualified for Ellection of Members of Assembly who being mett at Charles Town on the One and Twentieth day of May In the Year aforesaid by plurality of Votes did Choose Cap^t David Davis, James Moore, George Chicken, Hugh Grange, Richard Berrisford, Thomas Smith—George Logan Esq^r, Jo^h Abra^h Motte, William Gibbon, Jonathan Drake John Stroud, Cap^t George Smith, William Smith

Esqr, William Elliott, Rob^t: ffenwick, Evan Mackpherson, William Bull, Thomas Cary— Henry Wigington and Edward Loughton, And accordingly I Summoned them the said Cap^t. David Davis, James Moore—George Chicken, Hugh Grange, Richard Berrisford, Thomas Smith, George Logan Esqr John Abra^h Motte, William Gibbon Jonathan Drake, John Stroud, Cap^t George Smith, William Smith Esqr, William Elliott, Robert ffenwick, Evan Mackpherson, William Bull Thomas Cary, Henry Wigington and Edward Loughton to meet at Charles Town at the House of Cap^t John Collins on the fifth day of June Anno Domⁱ:: 1707: there to Act and do as Required in the said Writt

W^m. Williams High Sheriff of Berkly & Craven Counties His Excellency John Lord Granville Palatine and the rest of the true and absolute Lords and proprietors of the province of Carolina./

To John Williamson Esqr High Sheriff of Colleton County Wee Command you to Sum^on all the ffreeholders of Colleton County together with all the Inhabitants to the Southward thereof Qualified ffor Ellection of Members of Assembly to Convene at the plantac^on late of Landgrave Bellinger at the Head of Stono River on Wensday the one and twentieth day of May next then and there according to the directions of an Act of Assembly Entituled an Act to Regulate the Ellections of members of Assembly to Chuse and Ellect ten members of assembly— to Advise, Consult, and Consent to and with us ab^t. the arduous and great Affairs and matters of that part of this province that lies South and West of Cape fear which members so Ellected you are to Sum^ons to Meet at Charles Town at the House of Cap^t John Collins on Thursday the fifth day of June next to Sitt in a generall Assembly ffor this part of this province and this precept and your Execution thereof you are to Returne to us at the time and place afore-said of which you are not to fail./

Witness our Govern^r and Councill at Charles Town the
ffour and twentieth day of Aprill Anno Domⁱ. 1707

N Johnson

Nicholas Trott.

Tho: Broughton

Rob^t Gibbs—

Henry Noble—

The Sheriffs Returne.

Carolina Ss }

Con Colleton { By Vertue of a Writt to me directed under the
Hand and Seal of the Hon^{rb}: S^r Nathaniel Johnson K^{nt}. Gov-
ern^r. and the rest of the Hon^{rb}-. Lords propriet^{rs} Deputies to
Sum^{on} all the freeholders of Colleton County together with
all the Inhabitants to the Southward thereof Qualified for
Ellection of members of Assembly.

I have Sum^{oned} all the freeholders of the County afore-
said and they have Elected the persons underwritten Viz^t.

Mr Joseph Morton

Mr John Woodward

Cap^t Tho: Neirn

Mr James Cochran

Mr John Ash

Mr John Wilkins

Mr John Stanyarn

Mr John Raven

Cap^t Christo^r: Wilkinson

Mr Tho: Jones.

¶ me John Williamson

Vic Com^r prddict

The House Meeting.

Order'd

That Coll- Tho: Cary and Landg Smith do Attend the Gov-
ern^r and Council and Informe them this House is mett accord-
ing to the p^{re}cept being Return'd Inform'd the House that the
Govern^r and Council would Send for them Immediately.

A Message from the Govern^r and Council by Cap^t Geo:
Evans that this House Attend them./

The House went accordingly and being return'd

The Question was put whether Coll- Tho. Cary Esq^r Shall be
Speak^r.

{ Carried in y^e affirmative Nemine Contradicente—
{ Who Accordingly Assum'd the Chair

Order'd

That Mr John Abra^m Motte and Mr William Gibbon attend the
Gov^r: and Council and acquaint them that this House has

made Choice of their Speak^r. who being Return'd reported that they had acquainted the Govern^r. and Council of the Same, who desir'd this House would Attend them to present their Speak^r.

The House went accordingly.

Mr Speak^r and the House being Return'd Mr Speak^r. Reasum'd the Chair who Inform'd the House that the Govern^r had deliver'd a Coppy of his Speech to him to prevent mistakes/
Order'd

That the said Speech do lye on the Table./

Motion being made that the House would make Choice of their Officers w^{ch} are wanting to say the Clerk and the Messinger
The Question was put whether Mr Tho: Hepworth be Clerk of this House

Carried in the Affirmitive Nemine Contradicente

Orderd

That Thomas Hepworth be Clerk of this House./

The Question was put whether Mr Rob^t. Ellis Shall be Messenger of this House.

Carried in the Affirmitive Nemine Contradicente

Orderd./

That Rob^t: Ellis be messenger of this House./

Mr Speak^r. by Consent of the House Adjourn'd the House till tomorrow morning Eight a Clock./

ffriday June the 6th: 1707

The House mett according to Adjournment

The ffollowing Members Qualified themselves by takeing the ffollowing Oaths./

The Oath of Allegiance

I A B. Do Sincerely promise and Swear that I will be faithfull and bear true Allegiance to her Majesty Queen Anne so &c^a

The Oath of Supremacy

I A. B. Do Swear that I do from my heart abhor, Detest and abjure, as Impious and Heretical that Damnable Doctrine and possistion that princes Excommunicated or deprived by the pöpe or any Authority of the See of Rome may be deposed or Murdered by their Subjects or any other person whatsoever.

And I do declare that no foriegn prince, person, prelate State or potentate, hath or ought to have any Jurisdiction, Power, Superiority, Preeminence or authority Ecclesiastical or Spirituall within the Realm of England or this province So help me God—

The Abjuration Oath

I A. B. Do truly and Sincerely acknowledge, profess, testify and declare in my Conscience before God and the world that our Sovereign Lady Queen Anne is Lawfull and rightfull Queen of England and of all other Her Majesties Dominions and Countries thereunto belonging, And I do Solemnly and Sincerely declare that I do beleive in my Conscience that the person pretended to be prince of Wales dureing the life of the late King James and Since his decease pretended to be and takeing upon him the Stile and Title of King of England by the Name of James the Third, hath not any right or title w^tsoever to the Crown of England or any other the Dominions thereunto belonging, And I do renounce refuse and abjure any Allegiance or obedience to him. And I do Swear that I will bear faith and true Allegiance to her Majesty Queen Anne, and her will Deffend to the uttmost of my power against all Traterous Conspiracies and Attempts whatsoever which Shall be made against Her person Crown or Dignity And I will do my best Endeavour to disclose and make known to Her Majesty and Her Successors all Treasons and Traterous Conspiracies which I shall know to be against Her or any of them And I do faithfully promise to the Uttmost of my power to Support Mentaine and Defend the Limitation and Succession of the Crown, against him the said James and all other persons w^tsoever as the Same is and Stands Limited by an Act Intituled an Act Declareing the Rites and Liberties of the Subject and Settling the Succession of the Crown to her present Majesty and the Heirs of Her Body being Protestants and as the Same by one other Act Intituled an Act for the farther Limitation of the Crown and better Secureing the Rights and Liberties of the Subjects is and Standeth Limited after decease of her Majesty &c^a for default of Issue of Her Majesty to the Princess Sophia Electoress and Dutchess Dowager of Hanover and the Heirs of Her body being Protestants And all these things I do plainely and Sincerely Acknowledge and Swear ac-

cording to these Express words by me Spoken and according to the plain and Com'on Sense and understanding of the Same words without any Equivocation Mantal Evasion or Secret Reservation whatsoever and I do make this Recognition Acknowledgement Abjuration, Renunciation and promise heartily Willingly and Truly upon the true faith of a Christian so help me God

The Declaration to be Subscribed

I A B. Do Solemnly and Sincerely in the p^resence of God profess Testify and declare that I do beleive that in the Sacrament of the Lords Supper there is not any Transubstantation of the Ellements of bread and Wine into the body and blood of Christ at or after the Consecration thereof by any person whatsoever, And that the Invocation or Adoration of the Virgin Mary or any other Saint and the Sacrifice of the mass as they are now used in the Church of Rome as Superstitious and Idolatrous, and I do Solemnly in the presence of God profess, Testify and Declare that I do make this Declaration and every part thereof in the plain and ordinary Sense of the words read unto me as they are Com'only understood by English protestants without any Evasion, Equivocation, or Mantal Reservation whatsoever and without any dispensation already granted me for this purpose by the pope or any other Authority or person whatsoever or without any hope of any Such dispensation from any person or Authority whatsoever or without thinking that I am or may be acquitted before God or Man or absolved of this Declaration or any part thereof althô the pope or any other person or persons or power whatsoever should dispense with or Annul the Same or Declare that it was null or Void from the beginning./

Henry Wigington
William Gibbon—
Hugh. Grange
George. Chickin.
John Ash.
John Stroud
Rob^t ffenwick
Jo' Wilkins
Jo' Raven
J A Motte.

Tho: Cary Speak^r.
Tho: Smith—
Geo: Logan
Evan. Mackpherson
X^{pr}. Wilkinson
William Elliott
Jos: Morton
Jo' Cochran
Tho: Jones—
W^m Smith

Tho: Nairne	Geo: Smith
Richard Berrisford	William Bull
David Davis	Edw ^d : Loughton
John Stanyarne	Ja: Moore
Jonathan Drake.	John Woodward

Motion being made that the Clerk and Messinger be Sworne
Order'd

That William Smith Esq^r Administer to them the following
Oaths. Viz^t.

The Clerks Oath.

You Shall well and truly Execute the Office of Clerk of Assembly and Shall keep the Secretts of the said House when thereunto Commanded the fowl and fair Journal of the said House you shall truly and faithfully keep and therein nothing shall enter or alter nor permitt knowingly to be enter'd or alter'd from the Sense and Order of this House./

So help you God/

The Messingers Oath—/

You Shall well and truly Execute the Office of Messenger of this House. and keep Secreet all the debates which shall be made and Arrise therein./

Order'd

That Landg Tho. Smith and Mr John Ash wait on the Govern^r with the following Message./ Viz^t:

May it please yo^r Hon^r.

The House of Com^{ons} desires your Hon^r to Send them the Case of books, papers, and other Writeings belonging to the House, together with the Copper plate for the makeing of Countrey Bills./

who being Return'd Inform'd the House that the Govern^r would Send them Im^{ediate}ly./

Order'd

That Mr Speak^r: Sign all Messages that are Sent in Writeing to the Govern^r. and Council./

A Message from the Govern^r. and Council by Cap^t. George Evans with a Letter directed to the Govern^r. Subscribed by

Dr Edward Marston praying the House would take it into Consideration and Advise him therein./

Order'd

That it lie upon the Table./

A Message from the Govern^r. and Council by Cap^t Evans with the Case of books belonging to this House as also a petition Signed by Several who Suffer'd great losses in the late Invasion Recomended to the Considerac'on of this House./

Order'd

That the said petition lie on the Table./

Order'd

That the Rules and Orders of the House be read, which being done The Question was put whether they should be the Rules and Orders of the House./

Carried in the Affirmative./

Order'd

That the Govern^{rs} Speech to this House be read which was Read accordingly and then the House proceeded to take the Same into their Considerac'ons and then was Read the Govern^{rs} Speech to the last Assembly it being referr'd to in the p^rsent Speech—

Order'd

That the Govern^{rs}. Speech at the opening of this Sessions be Enter'd at length in the Journal of the House, Viz^t.

Gentlemen

Because of the pressing circumstances of our Publick Affairs: I have waited this Convention with great impatience, for notwithstanding former discouragements, and tho I see Several of the Same faces here, I am yet willing to hope for a Sincere and hearty Concurrance with me in a Speedy Applicac'on to buissness and that you will begin to enter in good Earnest upon adjusting our Com'on Intrests, laying aside particular piques or private grudges very unseasonable to be remembred at this Juncture.

The more imediate Exigencies we are under are the Securing the province by finishing the fortificac'ons about Charles Town and paying the publick debts, as also Reviveing the Laws that are out of Date and most necessary w^{ch} amongst other things I earnestly Recommended to the late House of

Com^{ons}, and now againe Repeat to you, and I hope Gentlemen my care will not always be in vain.

But to be briefe, for a farther account of what I think Expedient to be done I referr you to that part of my Speech given the last Assembly in which (thô after So long Sitting and so little regarded) I am not Conscious of haveing proposed any thing not necessary to the peace, happiness, and prosperity of this province (whatever false glosses may have been put upon my Actions) Assureing you now again, it shall not be my fault that there is not a good agreement and right understanding between us, And as to what concerns the Chief Justice I have so often repeated my resolutions therein both in publick and private that it needs no repetition here.

Order'd

That Coll^o George Logan M^r Rob^t: ffenwick Cap^t George Smith M^r John Abra^m Motte and M^r Henry Wigington be a Committee to prepare an answer to the said Speech and report the Same to this House to morrow morning.

Order'd

That the Journal of the last Assembly lie upon the Table.

Order'd

That leave be given to M^r John Stroud to go into the Countrey for Recovery of his health till Monday

Motion being made and the Question being put whether the House would Sitt Twice a day.

Carried in the Affirmative.

The House Adjourn'd till two a Clock in the Afternoon./

The House mett according to Adjournment

Motion being made and the Question being put whether those Members that are absent Should be Sent for by the Messinger Attending this House.

Carried in the Affirmative.

Order'd

That Cap^t David Davis M^r James Moore and M^r John Woodward be Sent for by the Messinger of this House, and that they forthwith Attend the Service of the Same and that M^r Speak^r Sign the Order.

Order'd

That the Message relateing to Dr Marston with his Letter to the Govern^r be read w^{ch} being done and the Question being put whether this shall be the Answer of this House to y^e Govern^{rs}— message Concerning said Marston Viz^t.

That the matters referr'd to this House for advice concerning Dr Marston are Such as do not lie properly before this House.

Carried in the Affirmative

Order'd

That Landg Thomas Smith and M^r John Ash wait on the Govern^r with the following Message.

May it please your Hon^r./

We are alwaies willing to cultivate a good Correspondence with your Hon^r. and to afford you the best of our Advice in all matters wherein you can find no other Satisfaction but from the Assistance of the House, but the Indecent Expressions in Dr Marstons Letter (thô we highly blame him for them) yet we humbly Conceive they are not of that nature as to lie anyways before us, and therefore have Come to this Resolution the matters reffer'd to this House by your Hon^r for advice concerning Dr Marston are Such as do not properly lie before this House./

Tho: Cary Speak^r.

Orderd

That M^r Peter Mailhett be Sent for who appearing and being Examined relateing to a Letter directed to Anthony Potivine reflecting very much upon the proceedings of the late Assembly Said Mailhet own'd he had Sent a Letter to the said Potivine that he and his Neighbours would come down and Vote, and being ask'd by M^r Speak^r. whether he had any Order for his So doing and from whome, Answer'd it was from the Govern^r. and then was Order'd to withdraw./

Orderd

That Anthony Potivine do Attend this House on wensday next and bring with him a Letter that Peter Mailhett wrote him to order him and his Neighbours to be downe to Vote, w^{ch} Letter Dr Labrussie M^r Lynch and M^r Bonoa heard read who also are Order'd to Attend the House and the Same day, and that the Messinger Attending this House Serve them with this Order and that M^r Speak^r. Sign the Same./

Orderd

That the Clerk of the House Affix up a paper at Some publick place in Charles Town to give Notice to all persons to whome the Countrey is Indebted upon any account w^{ts}soever that they bring in their Said Acco^{ts}: to the said Clerk in order to be laid before this House./

Order'd

That a Committee be appointed to prepare and bring in a Bill for reviving Several Acts now out of force, and that W^m Smith Esq^r M^r Rob^t: ffenwick M^r Evan Mackpherson and M^r John Ashe be a Committee accordingly and bring in the Same on Tuesday Next.

Order'd

That the Messenger of this House acquaint M^r Mailhet to attend this House on Wensday next./

The House adjourn'd till to morrow morning 8^t a Clock

Saterday June the 7th: 1707.

The House mett according to Adjournment./

The Committee to whome it was Committed to prepare an Answer to the Govern^{rs} Speech, according to order brought in the Same, which is as followeth. Viz^t./

May it please your Hon^{rs}.

The Sincere Resolution we have to make the welfare & future happiness of this province the Sole Aim and Intent of all our proceedings Encourages us to hope that we Shall mett with a hearty Concurrence from your Hon^{rs}. which will lay a foundation of a firm and Inviolable Union./

what your Hon^r. has been pleased to Recom^dend to us Chieffly to be regarded we are fully convinced is highly necessary at this juncture, and hope to demonstrate by our Speedy and faithful dispatch of the Same, that love to our Country is more prevalent with us then any other Consideration w^{ts}soever and we further assure your Hon^{rs}. that we are farr from Enter-taineing private picques and grudges which we beleive is not only at this time Improper, but at all times very odious and unbecomeing Christians, who are under the Highest Obligac^{on} to promote (as far as they are possibly Capable peace and union./

Tho: Cary Speak^r.

Orderd

That Coll- Geo: Logan, and Mr William Gibbon attend the Govern^r and Councill to know of his Hon^r when this House shall attend them with an Answer to the Govern^{rs} Speech, and being return'd Inform'd the House that they were ready to receive them. The House went accordingly./

Motion being made that the fortifications &c^a be finished—the Question was put.

If Negro's be bought for the publick use the Southern part may have one third of the use of them for the publick Service—

Carried in the Negative./

A further question was put whether fifteen Negro Men and five Women should be bought out of the publick Treasury for the finishing the fortifications and for all other publick uses./

Carried in the Negative./

Resolv'd

That this House will on Monday Next appoint a Committee to Consider of the repairing and finishing of the fortificac'ons about Charles Town and in Some place to the Southward and for the appointing of lookouts./

Orderd

That a Committee be appointed to Examine the Debts due from the publick. together with L^t Coll- Rhetts Accotts and that Cap^t Jo^r Ab^t: Motte Cap^t Neirn Landgr^r Smith Cap^t Geo: Smith and Mr W^m Gibbon or any three or Of them be a Committee accordingly, and make their Report to this House on Saturday next.

Order'd

That L^t Coll- William Rhett Sole Commissio^r of the fortificac'ons of Charles Town lay his acco^{ts}: before this House in the Afternoon

Order'd

That Mr Longlemare Attend the House in the Afternoon.
The House adjourn'd till two a Clock in the afternoon—

The House mett according to Adjournment

L^t Coll- Rhett being Inform'd that the House had orderd him to lay lay his Acco^{ts}: before this House praid leave till Monday to lay his Aco^{ts}: before the House

Order'd

That he have leave till Monday to lay his acco^{ts}: before this House./

The Messenger Inform'd the House that M^r Langlemare attended bellow according to order, who appearing M^r Speak^r deliver'd him the Copper plate for makeing the Countrey Bills to make tryall of on paper and parchment./

Orderd

That he bring the plate and Impressions to this House on Monday morning./

Orderd

That M^r Henry Wigington do prepare and draw up an address to the Govern^r. to let him know that this House desires to be Satisfied whether Coll- Nich^o: Trott of London Esq^r be one of the Lords propriet^{rs}. and to desire that Nich^o. Trott his Deputy here may be removed

Upon further debating the finishing of the fortificac^{ions} the Question was put whether L^t Coll- Rhett should Continue sole Commissio^r: for the fortificac^{ions}./

Carried in the Negative Nemine Contradicon

Order'd

That the publick Receiv^r. be ready at all times to lay his Acco^{ts}: before this House when thereunto required./

Orderd

That Cap^t Thomas Walker be Sent for who apear^{ing} and being Askd by M^r Speak^r. if he would accept of being Commissio^r. for the ffortificac^{ions}. Answer'd he was willing to Serve the Countrey in any thing./

Orderd

That M^r Henry Wigington and M^r Jo['] Raven have leave to depart the Service of this House till Monday five a Clock./

The House adjourn'd till Monday Morning Eight a Clock./

Monday June the 9th. 1707.

The House mett according to Adjournment./

Upon Reading the petition of Severall Inhabitants Relateing to a watch or lookout on Jones Island

Resolved

That there be a watch on Jones Island.

Order'd

That a Committee be appointed to prepare and bring in a Bill for Repairing and finishing the fortifications of Charles Town and appointing lookouts and that Mr Tho: Nairne Mr Tho: Jones Mr Elliot Mr Grange Mr Cochran and Mr Geo: Chicken or any three of them be a Committee accordingly and bring in the Same on Thursday next./

L^t Coll- W^m Rhett Sole Com^{is}sio^r: of the fortifications according to the order of the day brought in his Acco^{ts}:/

Order'd

That the Committee appointed to bring in a Bill for finishing the fortifications bring in a Bill also for appointing a watch in Charles Town./

Order'd

That a Committee be appointed to bring in a Bill for the making and mending the Highways and that Tho: Nairne Esq^r Mr James Cochran Mr Rob^t: ffenwick Mr Geo: Chickin Mr Hugh Grange Mr Jo^h Raven and Mr Will^m: Wilkins be a Committee accordingly

The House Adjourn'd till two a Clock in the Afternoon./

The House mett according to Adjournment.

Order'd

That Major John ffenwick attend this House to morrow in the Afternoon and bring with him such Journalls and other papers he Received from Mr Rich^d. Berrisford relateing to his progress amongst the Indians, and that the Messenger of this House Serve him with a Coppy of this order and that Mr Speak^r. Singn the Same

Order'd

That a Committee be appointed to bring in a Bill for Ellection of Members of Assembly and a Bill for the easier prosecution of Suits of Law, and that Mr Henry Wigington Coll- Geo: Logan, Landgr^r Jo: Morton and Mr W^m Bull or any three of them be a Committee accordingly and bring in the Same to morrow./

Mr. Henry Wigington to whome it was Com^{it}ted to prepare and draw up an Address to be presented to the Govern^r and Councill to desire to know if Nicholas Trott of London Esq^r. be one of the true and absolute Lords and proprietors of this


province &^{ca} Reported that he had finished the Same w^{ch} he read in his place and afterwards deliver'd it in at the Table and is as followeth Viz^t.

To the Right Hon^{ble}: S^r Nathaniel Johnson K^{nt}: Govern^r &^{ca} and to the rest of the true and absolute Lords and propriet^{rs}. Dep^{ties}.

The Address of the House of Com^{ons}./

May it please your Hon^{rs}.

By the Twentysixth Article of the true and absolute L^{ds}. and Prop^{rs}. Instructions to their Govern^r. Philip Ludwell Esq^r. bearing date the Eighth day of Novemb^r. Anno Domⁱ 1691. (w^{ch} we take to be the present standing Rules of Govern^t.) the Govern^r with the Advice and Consent of their Deputies. and the Landg^{ers} and Cassiques and Delegates of the freemen Assembled or the Major part of them are to make ordaine. and enact such Laws as shall be thought necessary for the better Govern^t. of their province. but to be ratified by the said Govern^r. and three or more of their Deputies./

And by the Commission granted by the true and absolute Lords and proprietors of the said province to the Hon^{ble}: John Archdale Esq^r: Govern^r &^{ca}. bearing date the thirteenth day of Augst: in the year of our Lord 1694. he the said John Archdale is Impow^rd by and with the Advice and Consent of the Councill and Gen^{ll}: Assembly of their province or any part thereof to Enact all Such reasonable Laws and Statutes for the better Govern^t. of their said province as he the said John Archdale with the Advice and Consent of the Councill and Generall assembly shall think Expedient which Power of making and Enacting Laws in man^r as aforesaid is derived to the R^t. Hon^{ble}: S^r Nath: Johnson K^{nt}. present Govern^r. as  his Commission appears./

We are now with the greatest Earnestness going about the preparing and reading of Bills in our House in order to transmitt them to your Hon^{rs}. for your Reading but then we thinke our selves obliged to take care. that. after we have been at great Expence of time and money. the Laws we make and pass with you may have their design'd force and Energy.

Mr Nicholas Trott who Sitts and Votes with your Hon^{rs} in y^e makeing and passing laws, Acts as a Deputy to Nicholas Trott of London Esq^r. as one of the true and absolute Lords and Propriet^{rs}. of Carolina, but we are Inform'd that the said Nicholas Trott of London is no Proprietor, and consequently can have no Deputy to represent him in this province./

It has been hitherto the constant practice and Usage of their L^{pps}. when any person has been by them admitted and own'd a Propriet^r. of this province, to give their Deputies here publick Notice (to be recorded amongst their other publick Acts, Letters, Instruments, and Writeings) that Such a one was admitted and become a Proprietor otherwise their Dep^{ties}: were not to take notice of Such new Propriet^{rs}. appointing and nominating a Deputy in Carolina, What notice their Lord^{pps}-. have taken of said Nicholas Trott of London for a Propriet^r. we are ignorant: but we never yet heard that their Lords^{pps}. ever acquainted their Govern^r. and Councill that he was a propriet^r. or that he ever Signed or Subscribed any publick Lett^{rs}: or other publick Acts or Instruments, or that he ever satt with them at the Board in London, and therefore we are of opinion that the said Mr Nich: Trott cannot Act as his Deputy here.

We therefore desire your Hon^{rs}. if things are really so as they appear to us to be, that you would be pleas'd to remove the said Nich^o. Trott from Sitting, voteing and acting with you in passing Laws, that so all Scruples and doubts may be removed concerning the obligac'on of Such Laws, and that people may yeild due obedience to them instead of disputeing their force and authority and we further request yo^r. Hon^{rs}, that if the said Nicholas Trott appear to be no Deputy to his Cozin Nicholas Trott aforesaid you would be pleased to thinke of Some other person to fill up any vacancy that may be in the Councill at this time./

These are what we Conceive proper and reasonable for us to offer to your Hon^{rs} concerning the said Nicholas Trott at this time and Shall with all Imaginable Expedition, prepare such futher Articles agst: the s^d. Nicholas Trott the Chief Justice as Shall Justly render him unfitt to be near your Hon^{rs}. in Councill or to bear any publick Commission or Office./

Order'd

That the said Address be Ingross'd and lie on the Table for a Second Reading./

The House adjourn'd till to morrow morning Eight a Clock.

Tuesday June the 10th: 1707.

The House mett according to adjournment./

Motion being made that the address be presented to the Govern^r and Councill by the whole House./

Order'd

That the said Address be presented to the Govern^r. and Councill by the whole House.

The Committee to whome the Acts was Referr'd to be Supervised and to bring in a Bill for Reviveing Severall Acts Reported that they had made Some progress therein and praid leave till friday to bring in the said Bill./

Order'd

That the said Committee have leave till friday to bring in the said Bill./

Mr Henry Wigington according to order brought in a Bill for the more Speedy Comencement of Suits in Law.

Order'd

That the said Bill lie upon the Table./

The House adjourn'd till two a Clock in the afternoon./

The House mett according to adjournment./

The Messenger Informeing the House that Major Jo^s fenwick attended below according to yeasterdays order, who being Sent for up and appearing deliver'd Such papers as he had Received from m^r Rich^d. Berrisford./

Order'd

That they lie upon the Table

The House being Inform'd that Mr Jo^s Barnwell had a pack-quett w^{ch} was sent to Major fenwick from Mr Berrisford./

Order'd

That Mr Barnwell be Sent for who appearing deliver'd the same and being ask'd if he knew how it came down or to whome directed answer'd he could not tell and then withdrew/.

Order'd

That M^r John Abra^m Motte and Landg^r Morton wait on the Govern^r and Council to know when their Hon^{rs} would be waited upon by the whole House./

A Message from the Govern^r and Council by Cap^t Evans that y^e Govern^r and Council were ready to Receive this House./

M^r Speak^r and the whole House Attended the Govern^r & Council with the said Address, the House being return'd m^r Speak^r acquainted the House that the Govern^{rs} answer was he would advise with his Council and Send an Answer to the said address
Order'd

That a Committee be appointed to prepare a Bill to make Countrey Bills for the payment of the Countrey debts and that M^r Henry Wigington and Coll- Geo: Logan be a Comⁱtee to prepare and bring in a Bill Accordingly on friday next.

Order'd

That M^r Rich^d. Berrisfords Journalls be read and after Some time Spent in Reading them

Resolv'd

That this House will to morrow morning proceed on the Reading of the said Journalls.

Tho: Neirn Esq^r One of the Committee appointed to bring in a Bill for finishing the fortifications and appointing Lookouts, and a Bill for Settling a Watch in Charles Town brought the said Bills./

Order'd

That they lie upon the Table./

The House Adjourn'd till to morrow morning Eight a Clock.

Wensday June the 11th. 1707.

The House mett according to Adjournment./

According to Yeasterdays Resolution the House proceeded on Reading M^r Berrisfords Journalls amongst the Indians./

Order'd

That M^r Richard Berrisford do transcribe fair the Journalls of his proceedings amongst the Indians so soon as possible.

A Message from the Govern^r and Council by Cap^t Geo: Evans. Viz^t.

Gentlemen

That we may really Seem on all occasions ready to oblige an Assembly who have given us Such franck Assurances of their Inclinations to Serve the Countrey. We with a more then common attention consider'd the Subject of your last address. And with as much Satisfaction and brevity as possible returne you the following answer.

It is indisputable That Thomas Amy Esq^r was a Proprietor of Carolina being Chosen and appointed Such by the Lords Proprietors to Supply the Vacancy of Seth Sothell Esq^r Assignee of Edward Earle of Clarendon, on of the first true and absolute Lords Proprietor./

And Mr Trott has laid before us the Coppy of an Assignment attested under the Hand and Seal of Samuel Kew Notary Publick in Lond^o. bearing Date the 28th day of Novembr. 1702., Wherein the said Thomas Amy, in Considerac^on of a marriage Portion for his Daughter whome Nich^o: Trott of London had married Doth grant and Assigne his proprietorship aforesaid unto the said Nich^o: Trott, and the Heirs of his body &c^a. w^{ch} Assignment is dated March the 21st. 1700.

And Mr Trott hath likewise Shown us a Deputation under the Hand and Seal of the said Nich^o. Trott of Lond^o. bearing date the 2^d. day of Novem^r. 1702. empowering him to represent the said Nich^o. Trott as his Deputy in this Government./¹

All which thus appearing to us in its true circumstances, there is not any Roome left to doubt the truth either of the Proprietorship, or Deputation, and as Such by the 37th Article of the Lords Propriet^{rs}. Instructions to their Govern^r. Philip Ludwell Esq^r (w^{ch} we also take to be the present rule of Govern^t.) we have not power to remove or Suspend a Lawfull Deputy, but are Expressly prohibited from doeing so, and which we find further confirm'd in a Letter from the Lords prop^{rs}-. dated May the 12th. 1691. directed to the said Seth Sothell Esq^r. on his removeing Mr Joseph Blake then Mr Archdale's Deputy and placing Mr Berrisford in his Roome wherein they say, that they will never allow, that any Govern^r. upon any pretence whatsoever, shall turne out a Deputy that is so appointed to be, under the Hand and Seal of any Propriet^r. that tending

¹See *Commissions and Instructions from the Lords Proprietors of Carolina to Public Officials of South Carolina*, 1685-1715. p. 170.

towards a Rebellion to y^e Crown. Arbitrary power to Such a Govern^r and the Oating the rest of the Propri^{rs}-. of their Rights.

And thô wee do not find that we have Ever Received Publick Notice from the Lords Prop^{rs}-. that the said Nich^o: Trott of London was admitted and became a Propriet^r. Yet it may be fairly and Easily implied, in as much as his Deputy M^r Trott here hath continued allmost these four years to pass Laws and Signe Publick Letters wth. the rest of the deputies. w^{ch} the Lords prop^{rs}-. have from time to time Received and Ratified without any Scruple or objection to M^r Trott thô they very well know him to be the Deputy of M^r Trott in Lond^o by our constant Letters to their Lords^{ps}-. to that purpose./

Besides it has not been always a Constant Rule with the Lords on the admission of a New Propriet^r. to Signify their pleasure therein to their Dep^{ties}. here, for in the case of M^r Warre dec'd who came to represent John Archdale Esq^r. as his Deputy, their Lordships to this day have not by Lett^r or otherwise Signified to us their Dep^{ties}. that the said John Archdale Esq^r is admitted as one of the true and absolute Lords Propriet^{rs}. Notwithstanding none of us I presume will dispute or Question his right to the proprietorship And as to the Inference you draw from M^r Trott of London his not haveing ever signed or subscribed any publick Letters or other publick Instruments or that he ever Sat with the Lords at the Board in Lond^o- You must needs have known or heard of his present Circumstances w^{ch} (not to say more.) are Such as have for a long time past and as as yet deny him access Even to his own ffamily.

And thus Gentlemen haveing Communicated to you those reasons that have prevail'd with us to consider M^r Trott here the undoubted Deputy of a Lawfull prop^r-. and as Such above our power of removal or Suspension, so we hope they have the Same weight and Effect with you, and that you will apply your selves to the Publick buissness and makeing of wholesome Laws, without the apprehensions that they will loose their design'd force and not Energy, or that any person will dispute their authority on this pretence, And least any person be yet unsatisfied with the reasons aforesaid Wee will take care that no laws Shall be Ratified without Such a Number of Deputies as may pass the Same, thô M^r Trott were absent./

This Gentlemen is all we can say (as of our Selves), in the case of M^r Trott. But we are Permitted from him to acquaint you That Seeing you Intend to Charge Articles agst him, He will wave Sitting in Councill (thô not his right thereto) untill he has fully answer'd the Same. Least he may be thought or Seem to decline a Satisfaction to publick Justice by the Advantage and dignity of his Station

Wee have likewise Directed our Secretary to Read to you M^r Amy's Assignment of his Proprietorship to M^r Trott of London M^r Trotts Deputation and the Severall paragraphs we have Referr'd to in their Lordshi^{pps}-. Letter and Instructions and to leave them with you for your perusal and further Satisfaction. That you may see how unwilling we are to leave you unsatisfied in any thing within the Compass of our Reach and power

N. Johnson.—

The Messinger Inform'd the House that Anthony Potwin D^r Marbeuff m^r Tho: Lynch and Anth^o: Boneau Attended below according to the order of this House were call'd up and gave in their Severall Depositions agst Peter Mailhett and then was order'd to withdraw. w^{ch} are as ffolloweth Viz^t.

M^r Poitevin/

S^r These are to Informe you that on the 21st. of this instant there will be a new Ellection and I desire you that you would come down and to acquaint all your Neighbours to come down to Vote for it is of the last Importance, for the Govern^r was oblig'd to dissolve the last Assembly because they were goeing to take away our priviliges not only of Voteing but also of Inheriting, and the Gentlemen presbetarians would bring Tyrany upon us as pharoh did upon the Children of Israel, & that you may come to my House and find the true lists those you Should. Vote for and in so doeing you will not only oblige me but also the Gov^r. and the Rest of the french.

June y^e 11th. 1707.

Anthony Bonnoau

M^r Anth^o: Bonnoau being Sworne declared that the substance of w^t he had written was true to the best of his knowledge Sworne before me. Geo: Logan./

S^r/ I send you this Letter to let you know that the Parliament is dissolv'd and desire you to have it read in your Church to

the Congregation and to come down to vote and you shall find a true list at my house for to Save your Estate because the Gentlemen Presbitarians will hinder you to vote and they will put you Slaves as Pharoah did the Children of Israel and you will both oblige not only me but y^e Govern^r

Peter Mailhett

June the 11th: 1707 The above written is as much as I Remember of Peter Mailhetts Letter to me, w^{ch} he own'd to be his Letter, and demanded it of me when I came to Town to Vote.

Sworne before me

A Poitevin

Geo Logan./

Mr Mailhetts Letter to Anthony Poitvin the Substance of the Letter was that the Govern^r. had dissolv'd the Assembly and that there was to be a new one the 21st of May. the Reason of the Govern^{rs} dissolveing them was that they were not only for taking away the liberty from them of voteing but of their Inheritance from them and their Children Inform'd them not to fail of Comeing down, and he would Show them the true Lists, and moreover told them that they were goeing to bring them into Pharoahs bondage y^t is the Gentlemen presbetarians

Tho. Lynch

June y^e. 11th. 1707 M^r Tho: Lynch being Sworne declared that the substance of w^t he had before written was true to y^e best of his knowledge

Sworne before me Geo Logan/

Orderd

That Peter Mailhett attend this House in the afternoon./

The House adjourn'd till two a Clock in the afternoon.

The House mett according to Adjournment./

The Messinger Inform'd the House that M^r Mailhett attended below according to Order who being Sent for up, and being ask'd by M^r Speak^r. if he would produce the Letter which he Sent to the french Quarters concerning the last assembly taking away the Right of Inheritance from the french &c^a.

Answer'd He had it not, bnt if he had, he Should not deliver it./

Upon Debate of the said Answer

Resolv'd

That the Answer made by the said Peter Mailhett is contemptuous and highly affronting the authority of this House./

Order'd

That the Messenger Attending this House take the said Peter Mailhett into his Constdody for his Contempt to this House and that M^r Speak^r. Sign this Order.

Tho Cary Speak^r.

Upon the further debate of the Letter written by Peter Mailhett The Question was put, Whether the Contents of the Letter written by Peter Mailhett directed to Anth^o. Poitivin. do not tend to the great and Manifest breach of the publick peace and to the disquiet of the Inhabitants of this Province

Carried in the Affirmative Nemine Contradicente

A further Question was put

Whether the Attorney Gen^l. shall be order'd to prosecute the said Peter Mailhett./

Carried in the Affirmative Nemine Contradicente

Orderd

That the Govern^r be desir'd to order the Attorney Gen^l. to prosecute the said Peter Mailhett for the words written in the said Letter at the next General Sessions of the peace/

Order'd

That a Declaration be drawn up and made publick to Satisfy the french Inhabitants that the last Assembly had no designe to deprive them of any Privileges and that Cap^t Geo: Smith M^r Robt. ffenwick & M^r Henry Wigington do prepare and bring in the Same./

Order'd

That the Bill for the Expedition finishing the fortifications in Charles Town be read, which was Read the first time and past with Amendments

Orderd

That M^r W^m Bull and Cap^t David Davis Carry the said Bill to y^e Govern^r and Councill.

Resolv'd that this House will to morrow morning Resolve themselves into a Committee of the whole House to Consider y^e State of y^e Indian Affair.

The House Adjourn'd till to morrow morning Eight a Clock.

Thursday June the 12. 1707.

The House mett according to Adjournment.

A Message from the Govern^r. and Council by Cap^t Geo: Evans with a Bill for the Expedition finishing the fortifications in

Charles Town w^{ch} was Read the first time and past with Amend-
ments.

Order'd

That M^r Rob^t: ffenwick and Cap^t David Davis wait on the Govern^r and Councill with the Copper plate for makeing Bills with Impressions on paper and parchment as also to Informe them that this House is of opinion that paper is much better then parchm^t.

The House according yeasterdays Resolution Resolv'd into a Committee of the whole House to consider the State of the Indian Affair and M^r Speak^r left the Chair: and after Some time Spent therein M^r Speak^r Reasum'd the Chair

Tho: Neirn Esq^r Chairman of the Grand Committee Reported that it is the opinion of the said Committee that waveing all other matters at this time the House shall only provide for Settling matters relateing to the deserted Savanas and that an Address be drawne to the Govern^r relateing to the best method of Concludeing matters among the people aforesaid./

The Question was put whether the House does agree with the Committee in the said Report

Carried in the Affirmitive Nemine Contradicente

The Chairman of the Committee praid leave to Sitt again when M^r- Berrisfords Journalls is Compleated and laid before this House

Resolved

That the said Com^{it}tee Sitt againe when M^r Berrisfords Journalls are finished.

Orderd

That Cap^t Neirn Cap^t Smith and M^r John Ash be a Committee to prepare and draw up an Address to the Govern^r and Councill relateing to the deserted Savanas and bring in the Same Immediately.

A Message from the Govern^r and Councill by Cap^t Geo: Evans with the Copper plate and Impressions, who also Inform'd the House that the Govern^r and Councill did agree with this House that the Impressions on paper would be much better then parchment as also a Message in writeing Viz^t.

Gentlemen

I have Several times Since the death of Landg^r Morton requested the lady Blake that she would think of a fitt per-

son to Represent her Son the Young Proprietor in the Council, but have not yet prevail'd with her Therefore desire you would use your Intrest with her Ladship that we may the more Effectually Succeed therein./

N Johnson/.

Tho Neirn Esq^r Reported that they had finished the Address to the Govern^r relateing to the deserted Savanas w^{ch} he read in his place and afterwards deliver'd in at the Table.

Orderd

That the said Address lie upon the Table./

The House adjourn'd till two a Clock in the afternoon./

The House mett according to Adjournment./

Order'd

That Landgr^r Smith and Mr Jones wait on the Govern^r and Conncill and desire his Hon^r would be pleased to Send the last Writts of Ellection to this House and Carry the following Message./ Viz^t.

To the Right Hon^{ble}: S^r Nathaniel Johnson Kn^t. Govern^r &^a and to the rest of the true and absolute Lords and Propriet^{rs}. Dep^{ties}.—

The Address of the House of Com^{ons}.

May it please your Hon^{rs}.

This House is of opinion that the Speedy Setling matters with the Revolted Savanas, is of very great concern to the peace and happiness of this province and do with all Submission lay it before you as our Judgement that Mr James Moore and Ten white men more be Sent forthwith abroad for that purpose well provided with Arms and Am^unition at the publick Charge and we pray your Hon^r that the said Commander may be Instructed faithfully to performe Such Contracts as Mr Rich^d. Berrisford hath already (by your Hon^{rs} former Instructions and a Letter of Advice from the late House of Com^{ons}) made with them and to Settle them in any proper place for the present year, untill their Chief have been here and agreed every thing with your Hon^r. provided they have faithfully performed their part and we further pray your Hon^r to send Such other powers and Orders with the said Com^{and}r. as may Enable him to reduce them by force if they be yet in a State of Hostility./

Tho: Cary Speak^r.

Read the Petition of Peter Mailhet desireing to be released from his Confinement

Order'd

That the said Petition be Rejected

A Message from the Govern^r and Councill by Cap^t Evans with the Sheriffs writts for Ellections and Returns, and withal Inform'd the House that the Govern^r would take care to dispatch M^r Moore away after the Savanas.

Upon Reading the Bill relateing to the fortificac^ons.

Orderd

That the said Bill be recommitted to Coll Logan and M^r William Bull for amendments.

The House adjourn'd till to morrow morning Eight a Clock.

ffriday June the 13th. 1707.

The House mett according to Adjournment

Order'd

That Landg Tho Smith and M^r Mackpherson Cary the ffollow- ing order to the Govern^r and Councill for their Concurrence. Viz^t.

Order'd

That the Publick Receiv^r. pay unto M^r James Moore Seventy two pounds Seventeen Shill- and Six pence it being for Wages for men Horses and provissions for those persons that formerly went to bring back the Savanahs also it is Order'd that the said publick Receiv^r do pay to Each man for himself and horse that now goes up five Shill-. 7^d day) on the Same account, and that this Order be Sent to the Govern^r and Councill for their Concurrence.

N Johnson

Tho: Cary Speak^r.

Order'd

That Landg^r Tho: Smith and M^r Rich^d. Berrisford wait on the Govern^r and desire his hon^{rs} advice how to prevent the Virginia Traders Tradeing with the Indians within this Govern^t, and being return'd Inform'd the House that the Govern^r would give M^r Moore particular Instructions thereunto.

A Message from the Govern^r and Council by Cap^t Evans with M^r Moores Commission for the Houses perusal and Concur- rance as also that it is the Govern^{rs} opinion if the Virginia

Traders goods be Seized that twenty men be Sent with M^r Moore./

Order'd

That all Committees Attend the House

Order'd

That Landg Tho: Smith and Cap^t. Geo: Smith Carry the following address to the Govern^r

May it please your Hon^r.

The House highly aproves of your Hon^{rs} Commisison and care of Reduceing the Savanas as to the Seizure of the goods belonging to y^e Virginia Indian Traders, now dealing within this Govern^t. it does not appeare to us that they are Seizable by any Law of this province but if it may be done by the Laws of England we pray your Hon^r. to put them in Execution in this case and for any Deficiency that are in our present laws, relateing to the Importac'on of goods by Land the House will Effectually provide against the Same for the future./

Tho Cary Speak^r.

The House adjourn'd till two a Clock in the afternoon

The House mett according to Adjournment

Motion being made The Question was put whether a Clause Should be brought in to Repeal an Act that lays a Duty on Horsies./

Carried in the Affirmative

Order'd

That Cap^t Wilkinson have leave to depart the Service of this House for ten days for Recovery of his health.

Order'd

That M^r John Woodward being already Sent for by the Messenger and not appearing according to order be Sent for by the Messenger of this House and taken into Coustody. for Such his Contempt and that M^r Speak^r Sign this Order./

Order'd

That M^r John Cochran have leave to depart the Service of this House till tuesday two a Clock upon Exteriordinary occasions.

Order'd

That M^r John Wilkins have leave to depart the Service of this House till to morrow morning:

The Committee to whome it was refferr'd to prepare and bring in a Bill for Reviveing and Repealing Severall Acts according to order brought in the Same w^{ch} was Read the first time and past with amendments

Mr Henry Wigington according to order brought in a Bill Entituled a Bill to Establish Bills of Credit &c^a.

Order'd

That the said Bill lie on the Table.

According to Order Coll- Geo. Logan Reported the Severall Amendm^{ts}. he had made to the Bill for finishing the fortifications of Charles Town which was read the first time and ordered to lie on the Table for a Second Reading./

Order'd

That Mr Henry Wigington prepare an answer relateing to the Message from the Govern^r. and Councill concerning Judge Trott being a Deputy and bring in the Same to morrow morning./

Order'd

That William Smith Esq^r and Mr William Elliott wait on the Govern^r and Councill with the Reviveing Bill./

The House adjourn'd till to morrow morning Eight a Clock./

Saturday June the 14th: 1707.

The House mett according to Adjournm^t.

Upon Reading the petition of Peter Mailhett praying to be released from his Confinement.

Order'd

That the said Petition be Rejected

Mr. Henry Wigington according to order brought in an address to the Govern^r and Councill in Answer to their Message relateing to Judge Trott w^{ch} he read in his place and was agreed to by the House. Viz^t.

To the R^t Hon^{ble}: Sr Nath: Johnson Kn^t Govern^r &c^a. and to the rest of the true and absolute Lords and Propriet^{rs}. Dep^{ties}. May it please your Hon^{rs}.

The Answer you made to our Address agst Mr Trott sitting with you in y^e makeing and passing Laws gives us very great assurances of your forwardness in maintaineing a good Correspondence with the House of Com^{ons}, and we in returne

Shall omitt nothing which may tend to the Support and Continuance of it./

We find that your Hon^{rs}. are agreed upon the very Same Rules and Instructions of Government in relac'on to M^r Trott by and according to which their Lords^{pps}. have tied up the Hands of their Govern^r and Councill from displacing any of their Dep^{ties}. in Carolina. This Seems very plain but it Still remains a doubt with us, whether your Hon^{rs}. Confirms to the Eigth Rule of the aforesaid Instructions, can admitt any person to any office, as is certainly that of being a Deputy before their Lords^{pps}. have certified under their Hands and Seals that the person Such deputy represents is admitted a Propriet^r. It is confess'd on both sides, that their Lords^{pps}. have given no Such notice to their Govern^r and Councill here, that M^r Trott of London is a Proprietor, it Seems therefore somewhat strange to us how he can have a Deputy here to represent him./

The care their Lords^{pps}. tooke in provideing that eighth Rule and Instruction undoubtedly proceeded from the apprehensions they were under of having one time or another, some person Illegally and unwarrantably assume the Right and Title of a Propriet^r. and to prevent his Acting as Such by a Deputy in Carolina, they directed their Govern^r. and Councill not to admitt of any Such Deputy./ This we take to be the true and genuine Sense and Interpretation of that Rule. (without any force or Strained construction put upon it./

Your Hon^{rs} are pleas'd to Instance that M^r Warre came here a Deputy to M^r Archdale when the Lords prop^{rs}. tooke no notice of him as Such to their Govern^r and Councill here, we are Inform'd that m^r Archdale who was M^r Warre's principall, had before that Signed & Subscribed some publick Instrument together with other Prop^{rs}. which could leave your Hon^{rs} no Roome to doubt of M^r Warr's being a Lawfull Deputy, if m^r Trott of London had ever done any Such thing we would not have troubled you with our address. Therefore we againe humbly desire and request your Hon^{rs}. that Judge Trott be removed from Sitting in Councill.

Tho Cary Speak^r.

Orderd

That Landg Tho: Smith and Coll- Geo: Logan Carry the above address to the Govern^r and Councill, who being Return'd in-

form'd the House that the Govern^r Answer was he would advise with his Councill

Order'd

That M^r Henry Wigington Cap^t Geo: Smith and Coll- Geo: Logan be a Committee to prepare and draw up Articles of Charge ag^t Judge Trott and that they Send for for persons papers and records./

A Message from the Govern^r. and Councill by Cap^t Geo: Evans. with the Reviveing Bill.

The Committee to whome the publick Acco^{ts}. and Coll- Rhett's acco^{ts}. was Referr'd according to order brought in their Report.

Order'd

That they lie upon the Table

A Message from the Govern^r and Councill by Cap^t Geo. Evans Gentlemen

As the Govern^r and Councill are the only persons accountable to their Lords^{pp^s} the Lords proprietors for the admission of any Deputy into the Councill, so we cannot but be concern'd to see you Spend so much of your time in controverting a Subject that does not properly lie before you, more Especially now when M^r Trott himself has waved his priviledge of Sitting with us in Councell

And (but that we would prevent further unnecessary disputes) wee might observe from your last address that M^r Archdale (whome you grant a proprietor) is not to be concluded Such by the Strict instruction of that Eighth Rule of Govern^t. you insist on for the Palatine and three more of the Lords Propriet^{rs}. have never yet Certified to us under their hands and Seals, that he is admitted into the place of a Propriet^r. and w^{ch} is the case of Coll- Gibbs the Lord Cravens Deputy and indeed of all other Proprietors on any change or alterac^on amongst them, and in particular as to the late Govern^r Joseph Blake Esq^r about whose Proprietorship their Lords^{pp^s}. never sent any advice that we know of./

But say you M^r Archdale Signed Some publick Instrument together with the other Propriet^{rs}., which could leave no roome to doubt of M^r Warrs being a Lawfull Deputy, and at the Same time dispence with the Rule you but just before insisted on, makeing a Circumstance Equivalent to it./

But Gentlemen have we not likewise the Same liberty to conclude & inferr (as we did before) that forasmuch as M^r Trott hath Continued almost these four years past to pass Laws with the rest of their Dep^{ties}, which their Lords^{pps}, the Lords Prop^{rs}, have Ratified without any Scruple or objection (thô they very well know M^r Trott here to be the Deputy of M^r Trott in London) that the said M^r Trott in London as a Lawfull Propriet^r.

Yes Surely with a great advantage in the Circumstance, unless you will Suppose their Lords^{pps}, never lookt over the Acts they confirm'd Therefore Gentlemen (Since Such Enquiries and disputes as these may be of very ill Consequence, tending as it were to an overthrow and unhinge the Govern^t.) let us advise you to Confine your Selves to the proper business of your own house, and be not Solicitious (as we said before) about such things as do not properly come under your Cognizance and lett us take care for ourselves that we do not exceed or fall Short of the Duty we owe their Lords^{pps}-, this province and our own Secureity.

N Johnson.

Order'd

That M^r Henry Wigington do prepare and bring in an Answer to the said Address on Monday next

The House Adjourn'd till Monday Eight a Clock.

Monday June the 16th. 1707./

The House mett according to Adjournment

Upon Reading the Report of the Committee concerning the publick acco^{ts}.

Resolv'd

That this House will Resolve themselves into a grand Committee of the whole House, which was done accordingly and M^r Speak^r, left the Chair Coll- George Logan being Chosen Chairman Assum'd the Chair, and after Sometime Spent therein M^r Speak^r, Reasum'd the Chair./

The Chairman Reported from the Committee Viz^t

1st Agreed to by the Committee that Judge Trott's Negro's and M^{rs} Page's Negro have no more then two Ryalls and a half

¶ diem

Agreed to as to Coll- Rhetts books and acco^{ts}: that they be defferr'd and that a Committee without doors be order'd to Examine them./

Agreed to by the Com^{it}tee that the article of 75^l Coll- Rhett has Charg'd the publick with in his accot. for keeping the acco^{ts}. of the fortificac^ons, that he be order'd to give the publick Credit for the Same, there being no law for makeing Dr. therewith and that the Considerac^on for his keeping the books be defferr'd untill his books be inspected by a Committee./

Resolv'd

That the House agrees with the Committee in the said Report
The House adjourn'd till two a Clock in the afternoon./

The House mett according to adjournment

Resolved/

That this House will immeadiately Resolve themselves into a Committee of the whole House to Examine into the Damages done to Severall persons in the allarme, which was done accordingly and M^r Speak^r left the Chair and M^r William Gibbon being Chosen Chairman Assum'd the Chair, and after Some time Spent therein M^r Speak^r Reassum'd the Chair

The Chairman Reported that the Committee did allow to Sundry persons the Sums following. Viz^t.

To Cap ^t John Hartman	- - - - -	£35, - - - -
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To Edwards Banks	- - - - -	£4, - - - -
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To M ^r Rob ^t ffenwick	- - - - -	£10, - - - -
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To Cap ^t Saltus	- - - - -	£20, - - - -	£34, - - - -
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To M ^r ffairchild	- - - - -	£18, - - - -
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To M ^r Tulada	- - - - -	£13, - - - -
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To Jo ['] Lebonte	- - - - -	£3, - - - -
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To Thomas Booth	- - - - -	£1, 06, 3	£35, 13, 09
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To John King	- - - - -	£30, - - - -
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To Maj ^r Parris	- - - - -	£3, - - - -
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To Tho: Cary Esq ^r	- - - - -	£40, - - - -
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To Rich ^d : Berrisfford Esq ^r	- - - - -	£10, 02, - -	£83, - - - -
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To John Hollybush	- - - - -	£05, 12, 9
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To Tho: ffitzgerald	- - - - -	£05, - - - -
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To James Bassfford	- - - - -	£60, - - - -	£70, - - - -
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To Jo' Lebontee —————	£.,—15.—	£.,—15—
		<hr/>
		71—07—0
To John Barksdale - - - - -	£324.,—.,—.	
To John White - - - - -	£115., 13.,—.,	
To Cap ^t Dalton - - - - -	£100.,—.,—.	
To M ^r Pope - - - - -	£.,7.—10—.,	£547.,03.,—.
	<hr/>	
To Cap ^t Saltus - - - - -	£200.,—.,—.	
To Cap ^t Quelch - - - - -	£210 —.,—.,	£410.,—.,—.
		<hr/>
Makeing the Sume of————		£1216.,07.—

Resolv'd

That the House agrees with the Committee in the said Report.
Motion being made by M^r Chairman that the Committee have
leave to Sitt again to morrow morning to finish the said
Acco^{ts}.—

Order'd

That the said Committee have leave to Sitt again to morrow
morning to finish the said Acco^{ts}.

The House adjourn'd till to morrow morning Eight a Clock.

Tuesday—June 17th: 1707—

The House mett According to Adjor'ment————

Upon Reading the Petition of M^r. Henry Wigington relating
to £18.,—.,4½ Chargd by Coll Rhett for repairing a breach
in his Said wall by Timber praying to be Released from the
Said Charge having been at great Charge in finishing the Said
Wall According to the Act./ and being Put to the Question
whether M^r. Wigington Should be Allowed the Damage he Sus-
tained in his Wall—

Carried in the Negative

The House According to Yesterdays Resolution Resolud them-
selves into a Committe of y^e Whole house & M^r. Speak^r. left the
Chair and after Some time Spent therein M^r. Speaker Reassumd
the Chair the Chairman of the Committee Reported that they
had made Some progress therein and Prayd Leave to Sitt again
The House Adjourn'd till ½ an hour after Two a Clock in the
Afternoon

The House Mett According To Adjournment
Orderd—

That Capt. Nairne & Mr. Cochrain—

wait on the Gouverner with the following message

May it please your Hon^r.

This house has Rec'd aduice from Severall members that there are Now 5026 Veshells at St. Augustine Providing Victualls which being a Number not usuall in that Place, And Concurring with Intelligence from St Thomas That Such a Number of Privateers were gone from thence in Order to Cruise. On that Part of y^e Continent Possessd by the English Upon Which Consideration we Pray your Hon^r. with all Expedition to Send Intelligence to the Senerall Officers along the Coast that they may Provide for the Safety of the Country Particularly to Port Royall and the Yamasees, as being nighest The Enemy

Tho: Cary—

Upon the Debate of This house Upon Information that has been giuen of five or Six Veshells Lying at St. Augustin fitting and prepareing for Some Expedition and uppon the Concurring Aduice received from St. Thomas of Some Designe that may be Carrying on by our Enemies agst. this Province—
Orderd—

That Mr. Alex: Mackie Send Out a Watch at Port royall riuers mouth Consisting of Two white men and Six Indians. And Releue the Same weekly for the Space of a month And that he Send out Likewise a Scout Canoe with two white men and well mannd with Indians— Towards St- whans river in Order To Peure Intelligence And that upon his makeing it Appear before Capt: Thomas Nairne what Time Each man hath been in y^e Publick Service on this Acct. and Upon their Produceing a Certificate Signd by him to the Publick receiv^r they Shall Receive Two Shillings & Six Pence a Day for Watching and three Shillings & Sixpence a day for Scouting And the Receiver is hereby Orderd To Pay y^e Same Accordingly and That this Order be Sent to the Governer and Councill for their Concurrence— Tho Cary Speak^r

Assented to in the Upper house

N Johnson

The House According to the Mornings Resolution resolved themselves into a Committee of the Whole house and Mr. Speaker

left the Chaire and after Some time Spent Therein Mr. Speaker Reassum'd The Chair

A message from y^e Governer and Councill by Cap^t: George Evans Informing the house That y^e Governer is of Opinion if the Information this house giues Them is True it would be Conuenient a Veshell Should be Sent Out

The Chairman of the grand Committe made The following Report Viz^t—

We find due To Cap ^t : Kember on y ^e Balance of his Account	- - - - -	£105.,15.,—
To Cap ^t . Walker . . .	- - - - -	£94., . 5.,—
To: y ^e Gouvern ^r . for his Negroe . . — — —		£35.,—.,—
To Jacob Yorkson . . — — — — —		£10.,—.,—

Resolved—

That y^e house agree with y^e Committe in y^e Said Report

Motion being made And the Question being Put whether any more Acc^{ts}. Shall be brought in This Sessions

Carried in the negitiue—

Orderd

That Coll Geo: Logan and Cap^t. Smith & Mr. Gibbons draw up a Schedule of Debts due from the Publick to Severall Persons and bring in the Same immediatly—

Orderd—

That Mr. Mackpherson and Mr. Cochran Carry the following message to the Gouverner

May it Please your Hon^r—

The Intelligence the house had from S^t- Thomas Came by Cap^t: Carter who Inform'd Coll Logan that there were Actually there five french Privateers who were bound to Cruise along the Coast of this Continent y^e house understa^{ds} by Mr. Cochran that there is a Spanish Prisoner in the hands of Cap^t. Thomas Bower and y^e house think it the best method to Deferr the Sending a Veshell untill your Honn^r. Send for the Said Bower & Acquaint your Selfe with the Truth of the Report Because Sending a Veshell unless very well fitted might prove of verry bad Consequence by being Taken but Sending To the Southward being Soon done and at Small Charges The House with all Submission To your Hon^{rs}. Judgement. Pray it may be done as Soon As Possible

Tho Cary Speak^r.

A message from y^e Governer & Councell by Capt. Evans with an Order for Setling a Watch to y^e Southwards

A motion being made and y^e Question being Put whether Judge Trott boy Shall haue one Royall & halfe p^{d} diem, Carried in the Aformatiue—

Read y^e Petition of m^r. Robert Tradd relateing to be Excusd from four Pounds five Shillings & Seaven pence halfe Penny for filling up his Land tho y^e Cuntry has the Sole Benefits thereof—

Orderd

That it Lie on the Table—

Orderd That Landgr^r Tho Smith Carry the followings Message to the Gouverner

May it Please your Hon^r—

Dursuant to your Honn^{rs}. Desire we haue Endeavourd to Despatch the Orders to y^e Southward but finding no Body Willing To forward y^e Despatches we Request yo^r hon^r. to use your Authority To Send them away as Soon as Possible—

Tho Cary Speak^r.

The House Adjourned Till To morrow morning Eight a Clock.

Wednesday June 18th: 1707—

The House mett According To Adjournment

Landgr^r. Joseph Morton Praid Leauē To Depart The Service of this House till Monday Next

Orderd—

That the Said Joseph Morton haue Leauē To Depart the Service of This House till munday Next

The House Adjourn'd Till Two a Clock this afternoon

The House mett According To Adjournment

A Bill for Appointing Lookouts was Read The first Time & Past with Amendments—

A Bill for the Expedition finishing of the fortification of Charles Towne was Read the Second Time & past with Amendments—

A Bill to Receiue the Severall Acts within mention^d was Read The Second time & Past with amendm^{ts}.—

Orderd That M^r. Grange & M^r. Jn^o. Williams Carry the Said bills to the Gouverner & Councell for their Concurrence—

Upon Reading again the Petition of Mr. Robert Tradd—
Orderd—

That y^e Said Robert Tradd be Released from the Said Charge of four Pounds five Shillings & Seaven Pence halfe Penny and That y^e Comission^r. make no Demande of y^e Said Tradd of y^e Said Summe of four Pounds five Shill & Seaven Pence—

A Bill for Regulating Elections was Read The first Time & Past with Amendm^{ts}—

Orderd

That Cap^t. Thomas Nairne & Mr. John Cochran wait On y^e Govern^r. & Councill with y^e Said Bill for There Concurrence

Coll George Logan One of y^e Committe To Whome it was Committed To Consider of y^e State of y^e Publick Debts According To Ord^r. made his Report

The House Adjourn Till to morrow morning Eight a Clock

Thursday June 19th: 1707—

The House mett According to Adjournm^t—

Orderd—

That Mr. Robert Fenwick Mr. John Stroude & William Smith Esq^r. be a Committee to Prepare & bring in Severall Acc^{ts}. now Expird y^t with Amendments—

Orderd That Mr. William Gibbon & Mr. Euan M^ckphersⁿ Carry y^e. following messages To y^e Gouverner & Councell.

May it Please your Honn^r—

The House being now upon Consideration of purchasing great Gunns for y^e use of the Publick and understanding that There is Some of y^e Money Remaining Which was allowed by the Lords Proprietors for that purpose do therefore Apply Our Selues To your Honn^r. To be Informed What Quantity of Such money does now Remaine. And with all Praying your Honn^r. to Order it into y^e Publick Receiver hands That it May be Disposcd of According To Theire Lords P^roprietors Intentions in giuing it./

Tho Cary Speak^r.

May it Please your Hon^r—

Altho the Placing of y^e Lords Proprietors Dep^ties. doth not properly Lie before this house yet we Could not but Think Our Selues Oblidg and Look Upon it as Our indespensable Duty.

To Take the greatest Care y^t the Legislatiue power Should Remaine Entire and unexceptionable and for That Reason it was that we inter posed with Our Advice and Address To your Hon^{rs} Against Mr. Trotts Sitting and Voteing with you in the Making & Passing Laws./—

We Take noe Delight in multiplying massages in this Matter & Would haue desisted Pressing it any further but we Esteem it of That Consequence as by noe Means to be disregarded having noe Answer made To Our Main Objection—

Indeed by the Strictest Construction y^t Can be Put upon y^e 8th. Rule of Governm^t: To Coll Ludwell wee Obserue with your Honn^{rs}. that Mr. Warr Could not be Admitted a Deputy To Mr. Archdale but Then This Would be Such a Construction as if it Put Upon Some Other rule would Render Them impracticable but however y^e Case between Mr. Trott of London & Mr. Archdale in respect of your being Proprietors is vestly Different

Mr. Trott of London as We Insisted in Our address Never Satt at y^e board wth. there Lordships Mr. Archdale Constantly did One never signd To any Publick Letter or Instrument to the Gouverner & Councill here The Other has Mr Trott has not been Publickly Owned as Proprietors but Mr. Archdale has had y^t respect from the Rest of Their Lordships as a true & Lawfull Proprietor Ought To haue & we dont Doubt but there Lordships by Signing and Subscribing a Publick Instrument to Which They Severally Put Their Seals & To Which Mr. Archdale Put his hand & Seale Intended To Certifye There Deputies y^t m^r— Archdale was Admitted a Proprietor within y^e Intent & meaning of y^e Said Eight Rule, Tho. y^e Writing it Selfe Purported a Commission

If There Ever Was An Act Sent home To be rattified To Which There was but a bare Quorum of Their Deputies y^t Signed & m^r Trott here One of That Number Then Such a Case Would be Some thing Opposite but Otherwise we may belieue There Lordships read y^e Laws & yet did not allow Mr. Trott here a Deputy or Mr. Trott In England Propri^r. Wee by Taking This Caire about Passing of Laws think That we Dont Exceed y^e Proper bussiness of This House & are Verry Sorry your Honn^r Should blame us for being Sollicious about an affair of This Consequence & are of Oppinion y^t. your Hon^r. do not

displace a Deputy all Circumstances Considerd when you do not admitt Mr Trott in the Councell—

A Bill for Settling y^e Watch In Charles Town was read y^e first Time and Past wth Amendm^{ts}—

Orderd

That Mr. William Gibbon & Mr. Mackpherson Carry the Said Bill To y^e Govern^r. & Councell for Their Concurrence

Resolved

That This House will Resolve Themselves into a Commitee of y^e Whole house To Consider of Ways and means To Regulate The Indian Trade—

Motion being made that y^e Clarke & Messenger fees be Settled—
Resolved—

That This House agree with the following fees Viz

The Clerks fees	_____	
Reading a Petition		£—...2..6
Entring Any Order Upon y ^e Same		£—...2..6
Order for Moneys on y ^e Receiver		£—...2..6
Order Commitment . . . : . — — .		£—.. 5.—
Order for Release		£—...5.—
for Each Priuate Act — — —		£—..10.—
Coppy Act or Part 15 ^d 7 ^d Sheet	_____	
Search Of an Act . . . — — — —		£—...1..3
To Attendance 10 ^s 7 ^d Diem — — — —		£
Messengers fees	_____	
Bringing in a Pettition . . . — — — —		£—...2..6
Seruing An Order — — — —		£—.. 2..6
Serving Order of Commitm ^t . . . — — — —		£—...5.—
Order of Release . . . — — — — —		£—.. 5.—
Keeping any in Custody 7 ^d diem 7/6—		
Coppy of Commitment . . . — — — —		£—.. 2..6

Ordered That Mr. Gibbons & Mr. Mackpherson Carry y^e following message To the Governer & Council Viz

Whereas it Appears To This House That because of y^e great Distance of Some Parts of This prouince from Charles Town Where y^e officer for Executeing of Writts resides Who Absolutely Refuses or Delay^s. to goe To These Remote Parts to Doe his Office by which Means The Inhabitants of These Places are absolutely Deprivd of y^e Benefitt of the Laws for Recouering Ther Debts To y^e Great Incouragement of Euill Design-

ing Persons And Discouragement of Trade and Credit to Prevent which we Pray your Honn^r. To appoint officers in These Remote Places for Executing of Writts, that the Inhabitants may be Relieved from that Grievance./

The Cary Speaker

The House Adjourned Till Two a Clock in y^e afternoon

The house met according To Adjournm^t — —

Upon Reading The Bill for Establishing of bills Credit

The Question was Put whether Maj^r. Parris Should be Comptroler—

Carried in y^e Negative

The Question being Put whether Mr John Barnwell Shall be Comptroler—

Carried In y^e affirmative

The Question was Put whether Coll George Logans Shall be Receiver

Carried in y^e affirmative

A message from The Gouverner & Councill by Cap^t Evans With Severall Bills Viz^t—

A Bill to Reueine and Repeale The Severall Acts Read The Second Time and Past with amendm^{ts}

A Bill for Appointing & Settling Watches

Read The first Time and Past with Amendments—

A Bill for the Expedition finishing the fortification In Charles Town

Read The Second Time & Past with Amendments—

As alsoe the following message—

Gentlemen

The Donation there Lordsp^{ps} y^e Proprietors made To This Province Towards Purchasing Great guns was Directed To the Governer And Councill who have already disposed of a great Part Thereof to that Purpose and What Remains is Reserved when Conveying my Serves to Defray the Charges of Sending for the Winchester guns Soe that it Will Not be worth While to Trouble the Receiver with it The Remaining Vallue you Will find in y^e Journall of The Late house of Commons—

N Johnson

A Bill for Establishing Bills of Credit was Read y^e first Time and Past with Amendments—

Orderd That Lang^r. Smith & Tho: Neirn Esq^{rs}. Carry the Said Bill & Address to y^e Govn^r. & Councill
The house Adjourn'd till To morrow morning Eight a Clock—

friday June 20th: 1707—

The house mett According To Adjournment

Read The Petition of Jannet Tibbs relating to Canoe Prest from her by Cap^t: Neirn for the use of the Expedition agst. St Augustine./

Orderd y^t. y^e Said Jannet Tibbs be allowd ten Pounds

Read y^e Petition of Sundry Inhabitants of This prouince relating To Judge Trott—

Orderd—

That it lie upon y^e Table

Resolved—

That y^e Sume of 60[£] be Paid To m^r. Rich^d Berrisford for his great Pains & Caire in reduceing y^e Savanas & for his faithfull Service Done The Cuntry in Making Observations of y^e Abuses Committed among The Indians & That m^r Speaker be Desired to returne him y^e Thanks of y^e house for y^e Same—

Motion being made That D^r. Stewart having Lost his Arm in y^e Service of y^e Country be allowed Twenty Pounds p^{a} Annum Dureing Life

And y^e Question being put whether he Should be allowd Twenty Pounds p^{a} annum Dureing his Life—

Carried in the affirmative

Orderd

That a bill be brought in for the Encouragement of Potash & Salt Peter and That a Clause be Inserted in the Said Bill for The Payment of y^e Said Twenty Pounds p^{a} Annum To y^e Said D^r John Stewart and that Cap^t. Tho: Neirne & m^r. John Strode pepaire & bring in a bill Accordingly—

A Bill for the Raising a Publick Store of powd^r— was Read y^e first Time & Past with amendments—

A message from the Govern^r & Councell by Cap^t. George Enans with y^e Watch Bill w^{ch}. was Read y^e first Time & Past with amendments with Severall messages Viz^t.

Gentlemen—

Wee think it Verry Strange That no arguments will Content you in y^e Affair of M^r. Trott wee have already done all or

rather more Then we need Towards your Sattisfaction without Prevaileing However we will add one Curcumstance more which is a Coppy of a Paragraph of a Letter Sent by m^r. Trott y^e Proprietor To his Deputy here y^e Truth of w^{ch}. you may Examine by Compareing it With Originall Letter in Mr. Trott hands—

If all this will Not Convince you That Mr. Trott is y^e Deputy of a Lawfull Proprietor we must Conclude you haue Some further Reasons Then are Discoverd in y^e Speciousnes of your Pretences w^{ch} we Shall in noe Wise Encourage and resting Secure in the Sincerity of our Owne Proceedings discharge our Selues from any further Disquisition in this affair But Doe again repeat to you, That we are Still ready to Receiue and hear any Articles That you haue To Charge agst. m^r. Trott who on That Consideration Still Continues his absence from The Councell./

N Johnson

Gentlemen./

By Virtue of Letters Patents from y^e Crown To y^e Lords Proprietors their Lordppps are impowd To Assemble y^e freemen of This Prouince or their Delegates or y^e major Part of Them, in Order to The making of Laws, in Such manner and forme, as To their Lordspss shall Seem best as by y^e 20th. Article of Instructions of governm^t. to Coll Phillip Ludwell Appears—

And in a Paragraph of Their Lordspss Instruction for granting of y^e Land Recorded y^e 14th. Day of Novem^r 1693 They Thought fitt To Send Additionall Instructions To their Deputies about Pasing Laws in Carolina wherein They Require Them To Ratifye no Law that Diminisheth or altereth any of The Powers granted to Them in y^e Charter from y^e Crowne, but when any Such Bill is Pass^d. in y^e. Generall Assembly and Consented to by y^e Deputies, they are To Send y^e Same to them for Their Approbation & Consent before they Ratify y^e Same Adding that their Intent and meaning That of that nature Should be Put in Execution as a Law in Carolina Untill they Themselves haue Consented To it—

Which being premised we must obserue To this House That a Law for Ellecting members of Assembly According to y^e Proprietors. ownc maner and from hath been Settled and Rattified by Their Lordspss and is Still in force

Wherefore we their Deputies cannot without the greatest violation of There Lordssps said previllidge and a Diminishing and altering of y^e Powers granted to Them in y^e Charter Agree with This House in y^e bill for Regulateing Elections now before us further then To Pass The Same without Ratification The maner and form of Assembling The People being Not Ours but There Lordssps undoubted Right This Information We Thought Previously Necessary before Reading That Bill, That you may not Thinke we Refuse Passing it into a Law on any Other Consideration

Intending when it is Past in y^e generall Assembly & Consented To buy Our Selues Then To Send it to Their Lordssps for Their Approbation and Consent Pursuant To Their Said Instructions—

N Johnson

Gentlemen./

O N^o: 6 By force of v^e Charter there Lordssps y^e Lords Proprietors with out y^e Advice Consent & approbation of y^e Freemen of This Prouince or of y^e greater part of Them, or of Their Delagates or Deputies are Impowd To Appoint & Establish any Judges Justices majestates or other officers whatsoever w^{ch}in y^e Said Prouince at sea or Land in Such manner and forme as unto Them most Convenient Which being Soe wee Cannot but be Surprized To Obserue in your Bill for Establishing Bills of Credit &c^a. That Instead of Leaving to us The True and absolute Lords and Proprietors Deputies The Right and freedom of Appointing Two Such Considerable officers as y^e Receiver and Comptroull^r— you doe not Vouchsafe so much as To Take Our Advice or Opinion Therein but nominate Them your Selues—

Which being so Paliable and Incroachmt on There Lordssps Privillidges we Cannot by Noe means ꝑmit it. And There fore Desire further Sattisfaction Therein In Ord^r. to w^{ch}. and To avoid (if Possible) all This under Standing we Desire That you Would appoint a Commitee of your house to meet and Confer with a Committee of Ours and That There may be y^e Least Delay of buissness we Desire y^e Conference may be at Three of y^e Clock This Evening at y^e house of m^r. William Gibbon

N Johnson

Orderd That They Lie on y^e Table—
 Upon Reading the Said messages—
 Orderd.

That Capt. Tho: Neirn & Mr. Henry Wigington Capt. George Smith Mr. Jn^o. Abra Motte Mr. Robert Fenwick be a Committe To meet a Committe of y^e Upper house at a Conference Relateing To y^e Two Last messages at y^e house of Mr. Will Gibbons but by a Verball message from y^e Govern^r. & Councell it was Appointed at y^e house of Capt. John Collins—

N^o: A—Orderd That Landgr^r Smith and Capt. Neirn Carry y^e following Message To y^e Govern^r & Councell Viz
 May it Please your Hon^r.

The House of Commons have Appointed Some of There members To meet Some of your Hon^{rs}. at a Conference This afternoon at y^e house of Mr. William Gibbon, but Desire The Time may be five a Clock when & where they will not only Confer with your Hon^{rs}. Concerning The Power and Right of y^e Commons to Nominate Their Receiver & Comptrol^r. but alsoe Desire your Committee To Conferr with Them Concerning The Subject matter of y^e Ellection Bill as farr forth as you Take Exceptions to it—

N^o—: A Orderd

O That ye Said Committe do Prepare and Draw up reason to be made use of at y^e Said Conference

N^o—: 7 The Committe To Whom it was Referred To draw up reasons To be offerd to y^e Govern^t. and Councell at a Conference for Disagreeing with Them as To y^e— nomination of y^e Publick Receiver being in y^e Lords Proprietors only; reported That They had Drawn up y^e Same Accordingly, w^{ch} were read and Then agreed unto by y^e house w^{ch}. are as follows—

Reasons 1st Whereas y^e Govern^r & Councell insist in Their This Days message, That y^e Lords Proprietors without y^e Advice, Consent & approbation of v^e freemen of This Prouince or There Delagates are Impowerd To appoint and Establish any Judges Justices, Magistrates or Other Officers whatsoever within y^e Said Prouince at Sea or Land in Such manner and forme as unto Them Shall Seem most Convenient, from Whence They Inferr That They haue y^e Right and freedom of Appointing y^e Receivers & Comptroler

To this it is answered, That King Charles y^e Second of Glorious memory. who granted y^e Said Letters Patents To y^e Lords Proprietor for y^e Prouince of Carolina with y^e Governm^t. Thereof. could Never by y^e Generall words in y^e Said Patent of Appointing all officers w^tsoever both at Sea and Land Intend That There Lords $\hat{P}\hat{P}$ s should haue Power by Them selues or Deputies To Nominate and Appoint any Other Officers Then Such as They Grant by Whose Places They might haue Immediately y^e Desposall of As Judges Justices majestrat & which by y^e Onumerateting y^e Said Officers plainly Appears—
 1^t. for Otherwise y^e King was mistaken in his grant
 2. for Then There Lords $\hat{P}\hat{P}$ s might Appoint y^e Speak^r. of y^e house of Com^ons who is an Officer of That house—

They might Likewise appoint y^e Clerk and messenger of y^e house who are Certainly officers w^{ch}. if They Did. would not Only be absurd and rediculous but Contrary To all Laws of Parliment & by the Same Rule y^e Lords might appoint y^e Commissioners of y^e fortification w^{ch}. is verry Considerable Post and office. Besides it is notorious That y^e Desposition as well as granting of money by That of Parliament has Ever been in y^e house of Com^ons if They haue y^e Desposall of Publick money. it is fitt They Should appoint y^e Officers whome They Can Trust with The Disposall of it otherwise the main end of raising of money might be frustrated by Some misapplication of \hat{P} sions whome They Would not Trust This They might Burthen y^e Country with Impositions and Taxes w^{ch}. might be Converted To Some very Pernicious use & Employment—

If y^e Commons when they haue raisd money could not Dispose of it. we Should never find Parliment Inclind to raise money Though it were Pretended y^t. y^e Nation was in Never Such Need of it for would any Private Person Trust another with a Sume of money when he Could not Tell how Soon y^e Trustee might make use of it To his Prejudice—

The Comons In England never Sufferd y^e Lords in Parliament To make any alteration In money Bills altho y^e Lords haue so Considerable Share of y^e Kingdom in Their Possession: how Then can it be Possible That a Govern^r & Councell of any Collony. where There is not Such Thing as a house of Lords Should haue any Power in That Point w^{ch} y^e house of Lords In England Never had

After Severall years Contending between y^e Governor and Councell and y^e house of Com^{ons} for Nominating y^e Receiver w^{ch} was Never made use of Neither, but when Some p^{ersons} had a mind to Create misunderstandings between both houses. Tho y^e Com^{ons} if They Ever Did recomend Their Receiver for there Approbation yet was it purely to maintain a fair Corrispondence, Tho not of Right) yet y^e. R^t Hon^{ble}. y^e Present Govern^r. being well Sattisfied y^t y^e Said Nomination was Inherent in y^e house of Comons & from w^{ch}. they would never Depart did Confirm Such Right To Them by an Act of Parliment Ratified by himselfe and y^e Rest of y^e Councell and it is Som Thing Strange That y^e Govern^r. & Councell after Such a Publick Decision of y^e matter by Act of Assembly. Should at This Juncture revieve a Dispute w^{ch} may Produce Differances & Delays of publick Buissness—

Orderd—

That y^e Com^{itte} who are Appointed To Draw up the Reasons do manage y^e Conferance and Being Resolved by Cap^t Tho: Neirne reported They had been at a Conference with Some Members Appointed by y^e Govern^r. & Councell and gaue Them there Reasons for Dis a Greeing with Them concerning y^e Lords Proprietors haueing y^e Sole Right of nameing The Publick Receiver./—

Orderd

That y^e Said Report be Enterd into y^e Journall and is as followeth./

That at y^e Opening y^e Conference it was Said on both Sides That The Way they were in was To maintaine a good Correspondence between both houses—

The Manager for The Govern^r. and Councell when your Managers Insisted upon Two Things w^{ch} Should be the Subject Matter of There Conference Viz^t the Nominating y^e Publick Receiuer and Comptroler &c^a. & upon matters in the Election Bill To Which they had Tooke Exceptions The manager for y^e Govern^r. and Councell Acquainted your Managers that They had no Instructions to Medle with the Election bill, upon w^{ch}. we Returnd to y^e house for Instruction to Know if it were there Opinion that there Managers should Conferr with them upon the nominating a Publick Receiver and Comptroler onely, w^{ch} being Consented to by y^e house, your Managers returnd To the

Conference and made use of the Argum^{ts} drawn up and Enterd in your Journall./—

They Said, that because the Lord High Treasurer in England was nominated by y^e Queen therefore the Lords Propriet^{rs} had y^e Right of Nominating y^e Receiv^r here in Carolina./—

To which your managers answerd that altho the Queen nominated the Treasurer yet it was Principally for her Private Revenue and that they Conceived that the Comons had a Right when they raisd money To appoint Comission^{rs} for The Receiving & Disposing of it—

And the Case was Instanced, where The Comons had Lodgd the Money which they had raisd in Ch. 2^d reign in y^e Chamber of London

They Said The Com'ons might Appropriate the money but not Appoint the Receiver./

To this it was Said that y^e Person who received the Money might haue The Disposall of it, for When it was once in his hands he might dispose of it Otherwise Than as it was Appropriated and That y^e only Security y^e People Could haue was To be Satisfyed of y^e fidelity of y^e Person with whome their money was Lodged,

—They from the Upper house—urged that all officers whatsoever must Signifye Such officers of great Trust as The Receiver and y^e Comptroler— It was Answerd That Time was when There was no Comptroler & That he was an Officer appointed by y^e Com'ons & might of Consequence cease To be so when they pleased and further That y^e Word whatsoever must of Necessity Imploy Such officers as are there named and not those of a Contrary nature w^{ch} was further Plain in That y^e Lords Never Pretended to Look upon y^e Publick Receiver as Their officer Else They Would have Sent him Leters Instructions &^{ca}. w^{ch}. They had Neuer Done They argued it was Strange That our house should name y^e Receiver and Comptroler in an Act without Acquainting Them

Your Managers Answer./

That our house Took y^e Point To be Past all Debate because it was Decided after Severall years Contending by an Act of Parliam^t. ratified by This Present Governm^t who was Verry Well Satisfied of the Right of y^e house of Com'ons in That Point It was Answerd The govern^r. was Trickt into y^e Passing That

act your managers answerd, his honner and Then The Councell were not men of so Small Capacity to be so Trickt besides That all Laws are read Thrice Your Managers further urged That it was unamountable that The greater Power Such as Raiseing & Disposeing of The Publick money Should be in y^e People and not Likewise y^e Lesser Power, w^{ch} was but Accidental to y^e Other—

The house Adjourned till $\frac{1}{2}$ an hour after Two in y^e afternoon./—

The house met According To Adjournm^t—

The House According To yesterdays Resolution Resolvd Themselves into a Committe of y^e. Whole house To Consider of Ways & Means To: Regulate y^e Indian Trade and m^r. Speaker Left The Chair & Landgr^r Tho Smith being Chosen Chairman Accordingly Assumd y^e Chair & after Some Time Spent Therein Mr. Speaker Resumd y^e Chair

A message from the Governor and Councell by Cap^t George Evans Viz^t

Gentlemen

Altho Mr. Berrisford first measures in his Expedition agst. y^e Savanna Indians were Taken without our Consent and Approbation, or so much as giuen us any Acco^t. or notice thereof, Whose Right it is to make peace & Warr & we hereby Sufficiently induced & Justified to Take Exceptions at or rather To Punish such a Liberry Nevertheless hoping it might Prove for y^e Publick Benefit—

Wee are so farr from Resenting such behaviour or Commanding his Returne That we Sent him a Commission & Instructions, & furnished him with Necessaries y^e More Effectually To Prosecute his Designe making That Lawfull and Honn^{rb}le. w^{ch}. was before of as Contrary Complection. & from Which had he not Deviated we might Possibly have had a Letter Acc^t. of so much Expencc and Time—

But when m^r. Berrisford Returnd we Expected him To lay y^e Journall of his Whole Proceedings before us, who Answerd That y^e house had already orderd it Out of his hands & That when he Urged it would be Requisite to Lay it first before us your house Answer^d we might hane a Coppy—

Wee have Ever Since waited with Patience expecting when you would Send it To us, but finding That you Take no Notice

of Doeing so we are forced To put you In mind and That it is Certainly as necessary & Expedient That There Lordssps y^e Lords Proprietors & Consequently we who are Their Deputies Should be Informd in y^e True State of y^e affairs and Circumstances of y^e Indians Our friends and allies, as y^e house of Com'ons Especially When nothing can be Transacted in Those Matters without our Concurrence & approbation Therefore we Look upon Such Expressions as you used To m^r. Berrisford, and y^e neglect of Sending y^e Journall in all This time to us as an Argument of your disrespect and Tending to a breach of That good agreement w^{ch} Ought inviolably to be Preserved between us—

Wee are weary of Complaining of y^e many Sights Imposs^d. upon us by This House and Desire we may have no more Occasions And That y^e Originall of M^r. Berrisfords Expedition be Sent us Imediatly together with The Coppy./

N Johnson

Orderd That

Carry y^e following message to y^e Govern^r & Councill
May it Please your Hon^{rs}.

Wee would not have your Hon^{rs}. Think that we Comanded M^r. Berrisfords Journall out of his hands on Purpose to Prevent your Hon^{rs}. a Sight & Examination of it. y^e Journall it Selfe was verry Imperfect & we were resolvd after M^r. Berrisford had reviewd it to Send a Coppy To you

This Coppy was Indeede ¶fected by m^r. Berrisford on munday night and brought into our house, but being so Press^d. with Other weighty Affairs we Could not Compare it Till now. w^{ch}. we are doing wth. all Expedition & Then we Shall with the utmost report Lay it before your Hon^{rs}—

Tho Cary Speak^r—

The House adjourn'd to y^e house of m^r. W^m— Gibbons till To morrow morning Eight a Clock./

Saturday June the¹

The House met According To adjournm^t.—

Upon Reading y^e Petition of Peter Mailhet praying to be releasd from his Confinement

Orderd

¹The date (21st) was omitted.

That Mr. Mailhett be Sent for by y^e messenger attending This House

The house Adjourn'd Till three a Clock in y^e afternoon

The house mett According To: Adjournment

A Bill To Permitt Veshells To unload in any Creek or River To y^e Southward &c^a. was read y^e first time & Past with amendments

Mr. Mailhet According To Ord^r. attended y^e house & Appearing Mr. Speaker Inform'd him That Upon Reading his Petition and upon his acknowledgem^t of y^e front & Contempt giuen To This house—it is—

Orderd by y^e Generall Assembly that y^e Publick Recev^r Pay unto Cap^t. John Collins the Summe of five Pounds fourteen Shill & five Pence halfe Penny in full of his Acc^t. it (being) the Charge of an Express Sent To Port Royall N Johnson by Ord^r. of y^e house of Com^{ons} Tho Cary Speak^r.
Orderd

That Mr. Peter Mailhet now in Custody of the messinger of This house be Discharg'd Paying his fees and That Mr Speaker Sign this Ord^r./ Tho Cary Speak^r

Orderd

That Mr. Tho: Jones attend y^e Service of This house on Tuesday next and That y^e Messinger of This House Serue him with a Coppy of This ord^r. & That Mr. Speak^r. Sign y^e Same Tho: Cary Speak^r.

The house adjourn'd Till munday morning Ten a Clock

Munday June y^e 23^d. 1707—

The house mett According To Adjournm^t—

Orderd—

That Mr. Peter Mailhet be Sent for by y^e messenger Attending This House./ and That m^r. Speak^r. Sign This Ord^r—

A Bill To Encourage making Potash & Salt Peter was Read y^e first Time & Past with amendm^{ts}

The house being Inform'd That Peter mailhet attended in Custody of y^e messenger Call'd up and The messinger was ask'd w^t he had To say agst him concerning the Reflection s^d. mailhet had used agst. y^e Justice of This House

Who Produced James Burt, Timothy Bellamy and James Greer for Evidence—

James Burt being Examind, Saith That he Went by Mr Ellis. The messenger of This House his Ord^r. along with Said Ellis To Take P Mailhett into Custody of said Messinger and goeing with him to y^e house of said Mailhett he heard Such or y^e Like Words from y^e said Mailhet That he was not Oblidge to goe with him y^e Said Ellis That y^e Assembly had not Done fairly by him but had imposd upon him telling him he would pay y^e messenger no fees Then y^e messenger m^r Ellis Tooke hold of him Mailhett and Reasd him and Mailhet said There was no Law to Compell him To pay The fees—

Timothy Bellamy being Examined Said That he went with m^r: Ellis as above whereas m^r. Ellis Told him y^e Said mailhet he must goe with him mailhet said he was at home and was not oblidge To go and Said further That y^e house of Comons had not Done fairly by him y^e Said mailhet but had imposd upon him—

James Greer being Examind said That he went wth Mr. Ellis as above & found y^e Said mailhet at Supper The Messinger m^r. Ellis went in Where he gave Mailhet very good Words & began To Treat with him Civily Mailhet Said y^e house of Com'ons had not Done what they Could Justify by him Mailhet said he would not go out and Then one Memin as This Examinaunt is Informd his Name was when y^e Messenger went To Take hold of him y^e Said Mailhet put y^e messenger by Taking hold of him y^e Said Mailhet—

Die Lunce 23 die Junij 1707—

Orderd That Peter mailhet for his Reflections on y^e hon^r: and Justice of This House be Taken into the Custody of y^e messenger attending this house and That m^r. Speaker Sign This Ord^r— —

The Cary Speak^r—

A message from The governer & Councell by Capt. Evans Recommending an Address To Our Sovereign Lady The Queen w^{ch} they had drawn up & Desird This House To Joyne with Them in y^e Same

Orderd—

That it Lie On y^e Table for y^e ¶usall of This house—

The House Adjourn'd Till half an hour after Two

The house mett According To Adjourn^t

Orderd—

That Cap^t. Tho Neirn Mr. Rich^d Berrisford Cap^t. George Smith & m^r. John Stroude be a Committee To Prepare & bring in a bill for regulating y^e Indian Trade—on next

The house adjourn'd Till To morrow morning Eight a Clock—

Tuesday June y^e 24th: 1707—

The House mett According To adjournm^t

Orderd

That Landgr^r Tho Smith Cap^t. Tho Neirn & Rich^d Berrisford Carry The following Bills To y^e Govern^r & Councell as also Cappy of m^r. Berrisfords Journall Viz^t)

A Bill to Encourage making Potash

A Bill To ¶mitt any Veshells To unload in any Creek or River To y^e Southward—

A Bill for Raiseing a Publick Store of Powder—

A Bill for Settling Lookouts.

A Bill for Errecting a Generall Post office was Read y^e first Time & Past wth Amendments—

Upon Reading y^e Petition of M^r. Mailhet praying to be released from his Confinement.—

Orderd—

That m^r. Mailhett now in Custody of y^e messenger be Discharged Paying his fees & That M^r. Speak^r Sign This Order./

A Bill for Settling of Pilotage was Read y^e first time & Past with amendments./

Orderd.

Mr. John Stroud & m^r. Jn^o. Ash Carry up y^e Said Bill To y^e Govern^r. & Councell—

The house Adjourn'd till Two a Clock in the afternoon

The house mett According To Adjourn^t—

Mr. John Stroud Prayd Leave to bring in a bill for Encouragement of bringing money into This Prouince—

Orderd

That y^e Said John Stroude have Leave To bring in y^e Said Bill w^{ch}. was brought in Accordingly and Read and y^e Ques-

tion being Put whether it Should pass with y^e first time with amendm^{ts}

Carried in y^e Affirmative

A message from y^e Govern^r. & Councill by Cap^t. Geo Evans with Sundry Bills./ Viz^t./

A Bill for Settling of Lookouts read y^e. first time & past with Amendments./

A Bill for Raiseing a Publick Store of Powd^r— w^{ch}. was Read the first Time & past with amendm^{ts}—

A Bill for Encouragem^t. of making Potash &^a Read y^e first time & Past amendm^{ts}—

A Bill for Settling of Pilotage Read the first time & Past with Amendm^{ts}—

A Bill for Errecting of a Gener^{ll}. Post Office Read y^e first Time & Past with Amendm^{ts}—

A Bill for Regulating Ellections Read y^e first Time & Past with Amendm^{ts}—

Orderd

That Mr. John Stroude & Mr. W^m. Bull Carry the following message to y^e Govern^r. & Councill Viz

May it Please your Honn^{rs}..

The Business of This house is Come so fare forward that we Can do Nothing untill y^e money bill be Returnd, because all y^e Rest of Our Bills haue Such a Dependance on it that we Cannot come To a Conclusion of any Think^t untill we first see y^e Issue of all Disputes Relateing to it to the End therefore That y^e Sessions may be y^e Sooner Ended we Pray your Hon^{rs}. To Returne That Bill as Soon as Possibly./

Tho: Cary Speak^r

Orderd

That Mr. Henry Wigington Prepare & Draw up a Bill for Escheating of Lands by Juries & bring in y^e Same on Tuesday Next—

A message from y^e Govern^r. & Councill by Cap^t. Evans as followeth./ Viz^t.

Gentlemen

There being Some part of y^e money Bill so wearly Respecting the Rights & Priviledges of Their Lordsp^{ps} the Lords Pro-

¹Thing.

priet^{rs}. That it giues us Some Trouble more Then Ordinary
on That Occassion

However we hope to Prepare it for your further Readg. Some-
time to morrow, being Equally impatient with you for y^e Dis-
patch of This Session

N Johnson

Wedensday June¹

The house mett According To Adjournm^t

The Com^{it}tee To Whome it was refferd To draw up a Decla-
ration To Satisfy y^e french Inhabitants relating to y^e Letter
Sent by Mr. Mailhett To Mr. Poitvin w^{ch}. is as followeth Viz^t)—
Whereas y^e house of Com^{ons} have received Information upon
Oath, That Peter mailhet Some few Days after y^e. Dissolu-
tion of y^e Last Assembly writt and subscribed a Letter directed
to Peter Poitvin on Cooper River, wherein he The Said Peter
Mailhett, used these Words amongst Others relateing to y^e Said
Assembly Viz^t That y^e govern^r had Dissolv^d y^e Said Assem-
bly and Calld a new One to be Chose on y^e 21st: May Then fol-
lowing and That y^e reason of y^e Govern^r. Dissolving Them
was, because That Assembly were not Only goeing to Take
away y^e Liberty of voteing from y^e french, but alsoe There
Inheritance and That y^e Gent^l: Presbyterians were goeing To
bring Them under Pharaohs Bondage and further in y^e Said
Letter wrote To y^e Said Poitvin To bring Down y^e french
To his house where They Should find y^e True List and in so
doing They would not only Oblidge him but the Govern^r and
all y^e french for Which Scandalous Refflections upon y^e Jus-
tice of y^e Late House of Com^{ons} & tending to y^e Disturbance
and Disquiet of This Prouince altho we have Taken Care that
y^e Said mailhett shall Receiue Such Punishment as he justly
Desernes, yet we Think our Selues obliged for y^e Quieting &
Appeasing y^e minds of y^e french Inhabitants for Whome
Equally with our Selves we have a Comon Intrest & Concern
To make this Publick Declaration That we are well Satisfied
That y^e Last Assembly had never y^e Least Thoughts or Design
of Deprineing y^e french Inhabitants of any Right They have
hitherto enjoyed in This Prouince, but Would rather if Oc-
casion were, do their utmost To Confirm & Strengthen There

Intrest & Inheritance To Them and There Posterity whatever
y^e mallice of Selfe Intrested people may Suggest To Them
To y^e Contrary./

Orderd

That Mr. Speak^r Sign y^e Same

A message from y^e Govern^r. & Councell by Capt. George Evans
That This house attend them Immediatly The house Went ac-
cordingly and being Returnd Mr. Speaker Informd y^e house
y^e Govern^r. message & y^e Money Bill Viz^t

Gentlemen

It is Very unwillingly that we are forced to Call you up here
from y^e Publick business at This houre but by y^e Experience
Wee haue had in y^e World wee haue always found That When
Divisions are Once come to That height as To forme Them-
selues into factions Upon Different Measures & appoint Des-
signes that Then Reason & Reasoning make but Verry Small
Impressions upon Either of y^e Parties w^{ch}— wee find Veri-
fied by y^e Last Conference reported to us w^{ch}. y^e Committes
of both houses had Together Therefore Since y^e Reason of y^e
Thing & former Custom (y^e Last Act w^{ch} was Obtain being by
Surprize) will not Convince you of y^e Just Demands of This
house we must in Verry Plain words tell you wee Neither can
nor will giue away their Lordsp^s Perogatiues & Rights now
it is in Our Power not to Submitt to So unreasonable a De-
mande & we are Verry Well Assured that we haue good Rea-
son to Insiste upon This Right w^{ch}. wee See is y^e Constant
Method of y^e Govern^{mt}. of England Where Except in One
Instance very Extraordinary as well as y^e Occasion of it y^e
Publicke Exchequer & y^e Officers belonging to y^e same allways
receiue y^e moneys raised by Act of Parliam^t though Account-
able to Them for y^e Same where They Suspect any misappli-
cation of it Especially if appropriated To any Particular use.
Whereas all That wee Pretend to at This Time is To Nominate
him Joyntly with you. And Surely we that (you content not)
must Signe with you before any Money Can be Drawn Out of
y^e Treasury ought Equally to be Concernd with you in y^e Nom-
ination of a Person fit for so Considerable a Trust—

And wee must furthur Tell you that we Think never more
reason Then now to Insiste upon Our Right in This Affaire

And not To giue y^e Power out of Our Own hands into yours, when we plainly See what ill use you now make of That Power That you Pretend to haue in Chooseing a ^{Person} so Justly obnoxious to the Governmt as Mr. Logan who hath made it his business to make Clubs, Parties & Factions & to be Principally Concern'd in a notorious Riot, & Seconded with a Tumultuous & most unreasonable Petition, & a Seditious Association to Justify y^e Same illegall & Extravagant Actions on purpose to Shelter y^e Cremenalls from Punishment by Those men & who upon y^e Account of Those ill Actions & affronting & Turning agst. y^e governmt. & for nothing Else is proposed to be Continued Receiv^r. w^{ch}. is Evident to any one That Can see & Will but consider That an Other Interest that allways Opposed him & Stood Competitors with him for That place can now Joyne there Interest for him To Uphold him To Oppose & affront y^e Governmt. and Therefore Depend upon That it is y^e full Resolution of my Selfe & Deputies That Mr Logan Shall Never be Continued in That Place of Receiv^r for we are Resolved fully to Exert Our Power & To Convince all People That y^e Way To gett ^{Perf}ermt. shall not be to fly in y^e face of y^e governmt: But if you Will ^{Prop}ose to us any ^{Person} That is Indifferent you Will find us ready to Comply with you in any Thing Reasonable. & for feare you Should not Readily Thinke of a ^{Person} I Shall Nominate one To you who by his Industiously avoiding meddleing with any Parties or Interests in These our unhappy Differences wee Think Standes Equally faire in y^e Opinion of y^e Governmt. as also of y^e People. And That is Maj^r— Parris who Offers to under take it upon Such Reasonable Terms w^{ch}. we heare haue been allready Communicated to you That we Cannot Immagine how you Can justly Refuse him however if you Can giue in any Just Reason or objections against him wee Shall be Ready To hear Them but if you doe not approve him this be Assurd that whoever hath y^e Place Shall officiate upon y^e Same Terms being So advantagious to y^e Publick. And by That means I shall fully Convince all y^e People of y^e falseness of That Calumny w^{ch}. a Certain member of your house Who Takes an Extravagant Liberty in Words as Well as Actions) was Pleased To Raise of me That I was desirous To haue y^e nomination of y^e Receiv^r. That so I might have a Sum of money for it, now to Convince you of That Slander

I would Desire you To ask Mr. Logan who hath held That Place will y^e full Profitts of it Upwards of four years) What I Ever received of him for it Though When I consented to his being appointd Receiv^r. An Other Worthy member of your house offerd me a blank to Make my Owne Demands if I would give him y^e Preference, if you aske That Worthy Member he Will haue more Hon^r. Then To Deny it if he Doth I Will Produce his Own Letter under his hand to Prove it but by this method & Terms That major Parris hath Proposed it Will be out of the Power of my Selfe Or any Owne Else to make any Advantage of That Office This Gentlemen is Our full Resolution in This affaire from w^{ch} wee will not in y^e Least receedd, therefore if you Refuse Com [break] with us herein if any Injury happens to y^e Publick y^e fault will lye at your doors & you must blame no one but your Selves for this be Assured that I will Neither dissolve you nor Prorogue you Therefore if you Will adjourne yo^r. Selues & leave y^e Cuntries business undone & Neglected now in y^e Time of This Eminent danger wee will Take Caire To sett this whole affare in a Cleare light not only to y^e People here but alsoe to there Lords^{ps} at home then all Well meaning ^{ps}sons may See That it is not y^e good & interest of y^e People that you drive at But yo^r. Owne ^{ps}vate Designs

N. Johnson

According to Ord^r. Cap^t. Tho: Neirne brought in a bill for Regulating y^e Indian Trade—

Orderd

That it lie upon The Table—

The House adjourn'd till Two a Clock in y^e afternoon

The House mett According To Adjournm^t.—

Orderd./

That Landgr^r. Tho: Smith Will Bull & M^r. Jn^o. Strode & M^r. Richard Berrisford Carry y^e following message To y^e Govern^r. & Councell To morrow morning./ Viz^t

May it Please your Hon^r.

The house having naturely taken into Consideration the Sevrall Parts of yo^r. hon^{rs}. Last Speech we must in Answer retorne That we are infinitely sorry at y^e ^{ps}resent unhappy Circumstances of This Country are Still Like To continue by your Hon^{rs}. endeavouring to abridge y^e house of Com^{ons} of There

just Right of Ordering all Things Relateing to y^e Desposall of y^e Publick money wee are heartily Sorry may it Please you^r. hon^{rs}. that. that debate that Was finally Concluded by a Law (w^{ch}. Tho: now Expired yet y^e Justice & Reasons of it Continue for Ever Should be againe received yo^r. Hon^{rs}. Arguments from Ther Lordssps Perogative (if They be φ sued as farr as They Will goe) tend intirely To Take away y^e Whool power of y^e Commons in Parliament from Nameing any Officer whatsoever a pretence never before Started in This Province & w^{ch}. we Cannot Think of w^{thout} y^e deepest regret y^t. your hon^r. Should Seem so firmly Perswaded of That of w^{ch} Reason & Constant Experience may Show y^e Contrary if There Lord φ s had Looked upon y^e Publick Receiver to be one of There Officers they would Certainly at Some Time or Other heretofore have Sent him Letters or Instructions as Such but it is Verry Plaine they Never Did w^{ch}. is as good as a thous & Argum^{ts} that They Thought they had no Right so to do as to y^e One Instance w^{ch}. your Hon^{rs} mentions relateing to y^e house of Comons. nameing Commission^{rs} to Lay out the Publick money it is not alone but in any Other Instances may be Produced of That Kind Even as often as They Doe not Think fitt to Trust y^e Treasurer but if it were to y^e paralel will by No means hold good betwixt y^e King & a govern^r. of Prouince who being a Subject & more Limitedd by Law theres infinitely more reason that Every Thing Relateing to Disposall of y^e Publick money Should be in y^e hands of y^e Representatiues of y^e Whole People Then in Govern^{rs}. who haue heretofore & may hereafter be Needy Courtiers Come abroad to Enrich themselues Though y^e People haue Nothing of That Nature to fear from yo^r. honn^r. yet Presidents and Laws are made for Time To Come your Hon^{rs}.. Presently of your Own Accord Seem To giue up What you Aleidged was Wholly ther Lordssps Perrogative. & Seem Only to Insist on a joynt Power of Nominating a Receiver wth. y^e Lower house but Lays foundations for Endless Debates & divisions between y^e Two houses w^{ch}. heretofore haue hapned when your hon^{rs} Predecessors Tho against Reason haue Insisted on y^e Same Pretence. & Which Debates yo^r. honn^{rs}. so wisely laid a Sleep by y^e Law before Mentioned. & we must Take The freedom To Enforme yo^r Hon^r; That we Cannot w^{thout} a manifest Violation of y^t Trust reposed in us. giue away That Right

w^{ch} The People by There Representatives always had, & of Which wee found them in Possession wee Cant but be Concerned That yo^r. hon^r. Should so much Reflect Against y^e judgement of y^e house in Chuseing a Person whom your hon^r. hath always esteemd so well Quallified for That Trust That your honn^r. did most Generally refuse all That was Proposd To you by Another hand, rather Then y^e Publick Should be Deprived of y^e Service of a man so fitt for That business, & as for Parties & competitors for Places, Nothing of That Nature Lies before our house & we Think strange yo^r hon^r. should mention such Things To us but much more That you are Pleased To Aleidge That Such a post is Sought as a Protection for any Crimes. Whereas your Hon^r. Knows Verry Well y^t y^e Law is as Equally Open against Such an officer, as any other P^{erson}, as for y^e Person Proposed To us by your honn^r. it is Sufficient reason for us To reject him, because we are not Concerned so much To Know your Honn^{rs} Opinion as y^e Opinion of our own house whos undoubted Right it is, & Who haue already Come To a Resolution in That Point but To make good Our former assertion & Show how Difficult or almost impossible it is for y^e Two houses To agree in Nameing Receivers & Comptrolers wee of all Others in This Prouince should Never haue Appointed nor will be ever Consent That major Parris shall be Put in That Trust & y^e Reasons yo^r. honn^r. aleidges in his behalfe confirms us in our Opinion for we are far from beleiving a Careless indifferency, or Rather a Slavish fear to be a good temper, no, he is a man of true worth & honn^r. that When a Country is Divided boldly Esponseth y^e Cause of That Party w^{ch} he belienes To have truth & justice on there Side And we haue uery good information what Character yo^r. hon^r. was Pleased to giue that gentleman very Publickly such as Raskell Lyar &c As To being Limited To maj^r. Parris or any P^{ersons} terms, wee must begg your hon^{rs}. Pardon if we absolutely refuse it, because as wee haue y^e undoubted right of Nameing these officers now in Controversys, so are we they Only Proper judges what is a Sufficient reward for doing their Duty w^{ch}. we haue so abridged already by y^t. act w^{ch}. was Laid before your Hon^r. y^t. y^e Country can Receiue no Prejudice by Paying so Small a Sume for Doing so great Buisness./—

As to Coll Logan giving your hon^r. any Reward for y^e Place it no way relates to us Neither is it materiall to Decide y^e. Thing in debate but we must Take Notice how much reason we haue steadfastly to insist upon our Rights Since yo^r. hon^r. informs us y^t. a Verry worthy Person Proferrd such high Terms & we Think it Verry Necessary for y^e good of y^e Prouince y^t all Persons should Rather aim to be Rewarded by y^e Representation of there Country, for Serving it fairly & faith fully rather Then by Contracting with Govern^{rs}. Who haue Verry often, & may againe be ꝑson Who rather Aim at in riching themselves then at y^e. Public good w^{ch}. Cannot be Said of y^e house of Com^{ons} As to yo^r. hon^{rs}: resolution in y^e End of your Speech wee Answer—

That wee haue notwthstanding y^e Discouragem^t. wee have met wth. made y^e greatest Progress in Publick matters as Ever any Assembly did we haue brought Every Thing near To a Conclusion most of our Bills are Comd. & y^e People haue Discouerd a more then ordinary Satisfaction in y^e Proceedings of This Assembly—

But if at Last we must be able to do Nothing for y^e Publick good. if y^e Debts remaining Due from y^e Publick must Remain unpaid & Consequently severally People ruind if y^e Country be Exposed to y^e Invasions of y^e french & Spaniards for Want of finishing Our fortifications if Our Coasts must Remaine ungarded & Our Town Neglected for Want of Watches & Lookouts if in a Word, y^e Cuntry must Lie Open to y^e incursions of y^e barbarous heathen who make no Distincion of Persons for Want of a Due regulation of y^e Indian Trade & all y^e Dismall Consequences of an Indian Warr not prevented nor Provided against & This only because y^e people will Name y^e Officer They Think fitt to Intrust There Money wth; we hold Our Selues guiltless & apeal to all y^e— World at Whose Door all y^e misfortunes, Devestations and Calamities w^{ch}. may happen to us Will be Laid & how unlike this Difference is to y^t. union & Reconsiliation w^{ch} you in yo^r. Address to her Sacred Majestie. Say, is Now restord unto us—

Upon Reading y^e govern^{rs}. This Days Speech to This house wherein Coll George Logan a member of This house was mentiond as being a ꝑson obnoxious to y^e Governm^t. &c^a. y^e said Geo: Logan Desird y^e Leau^e of This house, That They Would

Permitt him to answer To Such matters & Thing as y^e Govern^r. & Councill had To Object against him

The house Takeing the Request aforesd into Consideration gaue There Opinion, That They had Sufficiently declard in yo^r. Answer to y^e Govern^r. & Councill That y^e Law was Open to Them if they had a mind to Question y^e Said Logan. & therefore Thought y^e Said Request Needless—

A Bill for Regulateing y^e Indian Trade was Read y^e first Time & Past with amendm^{ts}.—

The House Adjourn'd Till To morrow morning Eight a Clock

Thursday June The 26th— 1707—

The house mett According To Adjournm^t—

Upon motion made to y^e house by Cap^t Tho Neirne That The house Send an Ord^r. for five Pounds To y^e Gouern^r. & Councill for There Concurrence, being To be Paid To Shamdedee a St. Helena Indian as a Gratuity for his brother being Killed by an apalachy Slaue. —

Orderd

That Coll George Logan Esq^r. Publick Receiv^r Pay unto Cap^t. Tho: Neirne for y^e use of Shemdadee a St. Helena Indian The Summe of five Pound as a gratuity for having his Brother Killed by an apalachy Indian Slaue, & for an Encouragem^t To Other Neighbour Indians to be Deligent in Persueing & apprehending run away Slaues & That This Ord^r. be sent To y^e Gourm^r & Councell for their Concurrence Tho Cary Speak^r—

Orderd—

That y^e Same Members That was Orderd to Carry y^e Forgoeing message Carry Bill up Likewise y^e Indian Trading Bill The Gen^t. afors^d. being return'd in form'd This house That they had reced y^e aforsaid message & Delyverd into y^e Gouern^r. & Councill

May it Please your Hon^r—

Wee were much Surprized when y^e members of Our house Return'd and Acquainted us That your Hon^r. would not Receiue y^e Bill for Regulateing y^e. Indian Trade after y^e Title was Read makeing This Answer That it was folly for you to Receiue any More Bills—

Wee haue all a Long Shewn Our Willingness to ꝑfect all Publick Matters and are astonished at your Hon^{rs}. Answer, intimateing that we Would not do Business to let you See we are Willing to ꝑceed as farr as we Can haue Sent you a bill for yo^r. Reading

Tho Cary Speak^r

A Bill for Settling of a post office was Read y^e first Second time & Past with amendments

Orderd/

That Mr. Robert fenwick & m^r. W^m. Gibbon Cary up y^e Said Bill & message To y^e Govern^r. & Councell in the afternoon—

The house Adjourn'd Till two a Clock in y^e afternoon

The house mett According To Adjournm^t—

Mr. Robert fenwick & Mr. W^m— Gibbon being returnd from y^e Govern^r. & Councell with y^e Bill and Informd y^e house as followeth

Having Read y^e message To y^e Upper house y^e Govern^r he Returned y^e Same Answer he Did before & That he Would receiue no Bills before we came to a Regulation & right und^r-Standings of y^e main buissness for we had resolved to do none and he asked y^e Councell if it were not so who were Silent y^e Gouern^r further Said That we might adjourne our Selues for They Would neither Dissolue nor Prorogue us, and Leaue The buissness of y^e Publick undone & Then we must Look To Answer for it

A Message from y^e Gouern^r. & Councell by Capt. Evans Viz
Gentlemen

The Resolution of us y^e Lords Propriet^{rs}. Dep^{ties}. with y^e Reason that induced them Concerning y^e Subject of our Present Difference was yesterday in Our Speech to your house Plainly deliverd to you It was y^e Result of Our more Serious Considerations and Not taken up in haste or Prejudice To Either y^e hon^r. or real Privillidges of This house w^{ch}. we would by No means Violate but In Ord^r. to ꝑserue their Lordsp^{ps}. Rights, w^{ch}. we plainly See you are Resolved to Invade, and therefore what you Were told from us Yesterday is Our Resolution also To Day and must so continue untill There Lordsp^{ps} Pleasure be further Known

Remember Gentlemen it is your Concerne as much as Ours to regard y^e Prosperity and ꝑservation of This Prouince

& if Either Suffer on any of y^e Acc^{ts} w^{ch}. you haue Enumerated beware it be not found in y^e End to be y^e Effect of your unreasonable Obstinacy, who Seem to be so Easily Content Rather To Let all Things Run into Ruine & Confusion then abate y^e Least Pretensions To a Privilidge w^{ch}. you haue no manner of Reason to Claime agst. your Own Knowledge Asserting That y^e Right of Nominateing a Receiver was always in y^e Representatives of y^e People

Therefore if you Will not agree to go hand in hand Through y^e Bussiness of a generall Assembly, be Assurd wee will Never Consent to Let you Impose new Laws upon us or asure Prerogatiue That Dont belong to you, much Less to awe us into a Compliance with any Thing That we haue so much Reason To Think unreasonable—

Wee cannot however belieue but That you haue a More tender Regard to y^e good of y^e Prouince then thus abruptly to break of from y^e Buisness of This Session so far Advanced, & Therefore According To Our Duty & Desires of Serving y^e Country; we will Continue as an upper house in Ord^r. to Concurr wth you in Every reasonable affair untill you first Discharge us by yo^r. owne Adjournment

N Johnson

The house resolvd into a Comitte of y^e Whole house To Take into Consideration y^e Grievance of y^e P^rvince & m^r. Speak^r. Left y^e Chair and Cap^t. Neirn was Appointed Chairman of y^e Said Comitte & assumd y^e Chair/

And after Some Time Spent in y^e Said Comitte y^e Chairman Left y^e Chair & m^r. Speak^r. Assumd y^e Same

Cap^t. Neirne Reported from y^e grand Comitte that they had made Some Progress in y^e Inquiry into the Grievances of y^e Countrey but would not finish their Report and Desird further Time—

Resolved That y^e house will on Wedensday Next resolve into a Comitte of y^e Whole house To make further Enquiry into y^e Grievances of y^e Country & Then The house Adjournd Till Eight a Clock to morrow morning/

friday June the 27th: 1707—

The house mett According To Adjournment

Coll Geo: Logan a member of This house Complaining to this house that y^e Govern^r. had used very Sharpe & Reflecting Expressions agst him To m^r. Edw^d Weekley & Desird y^e Said Weekly might be Sent for to prove what was Said by y^e Govern^r. agst him

Orderd That y^e Said Weekley be Sent for

The house being Acquainted That m^r. Weekly attended below was Sent for up and Demanded by y^e Speak^r. w^t y^e Discours was Which y^e Govern^r. made use of to him Concerning Coll Logan & Desird him to Withdraw & Enter it Downe in Writing Viz^t—

Upon y^e Debate of y^e foregoeing words y^e Questions following were Put Whether y^e house are Resolvd to abide by their Own Nomination of y^e Publick Receiver

Carried in y^e Affirmitiue N C

Whether Coll Geo. Logan a member of This house is unanimously Chosens by y^e Comons to be Publick Receiver

Carried in y^e Negative N C

Whether Coll Logans be y^e Cause of y^e Publick Differences

Carried in y^e Negative N C

Whether it be The Opinion of y^e house that y^e words Spoken by y^e Govern^r. Concerning Coll Logan to Look To himselfe do not Tend To y^e Ouerawing y^e Whole assembly

Carried in y^e Affirmitiue—

Resolvd y^e house will abide by your Own Nomination of y^e Publick Receiver—

Resolvd

That Coll Geo Logan a member of This house is unanimously Chosen by y^e Com^{ons} for to be Publick Rec^r.

Resolved—

That y^e Said Coll G Logan is not y^e Occasion of y^e Publick Differences./—

Resolved—

That y^e Threatning words Spoken by y^e Govern^r.. that he y^e S^d. Coll Logan Should Take Care of himselfe are Such as Concern y^e Whole Assembly & Which They Look upon as Endeavouring to Ouerawe y^e Assembly

A Message from y^e Gouvern^r. & Councell by Cap^t. George Evans
Viz^t.

Gentlemen

The Present Deplorable State of y^e Country y^e miseries it is Like further To Suffer by Reason of y^e und^rStandings between us make so great impression that if Possible we would Divert them & therefore haue Thought of an Expedient w^{ch}. if you Approue will we Doubt not haue y^e Desird Effect The Point in Controuersie is you Know about y^e Right of Nominat^eing a Receiv^r w^{ch} has already been Debated without Sattisfaction on Either Side—

however if you are Willing matters shall rest Just where they are untill y^e Pleasure of y^e Lords P^rietors be Known ther in to Whome we Will both State y^e Affair—

And in y^e meantime That Some Other Third P^rson. Such as we Shall Joyntly Approue of be fixt upon to be Receiv^r & so Continue Dureing y^e Time Limited in yo^r Bill This We Expect will Appear so Reasonable That we hope To See your Concurrence This afternoon N Johnson

Orderd

That an Address to her majesty from This house relating to y^e Griveances of y^e Country be Prepar'd & drawn up & That Cap^t. Neirn & m^r. Robert fenwick do Prepare & Draw up y^e Same

Cap^t. Neirn Reported That had Prepar'd y^e said Address. w^{ch} he Read in his Place & Then Deliver'd it in at y^e Table w^{ch}. was agreed to by y^e Whole house & is as followeth—

Orderd./

That M^r. Rich^d Berrisford & m^r. Grange Carry y^e— following message/ Viz^t:/

Wee are very glad to Obserue such good Tempter in yo^r. message this morning, & it giues us great Satisfaction that your hon^r. Seemd willing to Incline to Divert y^e unhapiness of y^e Country w^{ch}. your hon^r. haue in your Power to do when you Please

But as To y^e Expedient of making their Lordsp^s Judges in This matter who are Parties we Can by No means Consent to it & we Can Never receed from you right in That Point unless y^e Cause be giuen against us by a higher Authority then there Lordsp^s and Which we Doubt not but will giue an

Indifferent and Equall Judgmt. betwixt y^e Lords & us in That affair but for y^e Third P^{erson} to be Nominated Receiv^r. and approved joyntly that Seems To us to be giving up y^e Thing in Question but if yo^r. hon^r. pleases to Concurr with us by yeilding y^e Power of nominating to Remain in y^e Same hands That it hath done These Scedule years by Past without Dispute we are willing to Put the matter to a finall Issue before y^e Queen & Parliament of England, at Least if yo^r. hon^r. cannot Come to a Sudden Resolution in That you may be Pleased To joyne with us in Dispatchin Such Necessary bills as no ways Depend on The money Bill w^{ch} Occaisson y^e Debate here

The house Adjourned Till Two in y^e Afternoon

The house mett According To Adjournment

Orderd

That Capt. Tho: Neirne Landgr^r. Smith & Coll Logan be a Committe To Draw up & Lay before This house y^e Grievances of y^e Country—

A message from y^e gouern^r. & Councell by Capt. Geo Evans Vizt—

Gentlemen

for Peace Sake, & y^e good & Safety of This Prouince w^{ch}. is What we always aimed at, & in Assurance of y^e Justice & Reasonableness of Our Pretentions; We are Willing that y^e matter in Debate Should According To your own Desire, Receiue its finall determination before y^e Queen & Parliment of England, If her Sacred majesty will Vouchsafe to undertake y^e Same And of w^{ch}. we will giue there Lordsp^s y^e Lords P^{ropri}etors an Account that They if They Think fitt may there Attend y^e Issue & we Do Consent That in y^e meantime y^e Power of Nominating a Receiver wth a salvo to ther Lordsp^s Privillidges if at home Determind in there favour) be in your hands Provided you do not Choose m^r. Logan or any Other P^{erson} und^r Like Circumstances with him, who by having made themselves so Obnoxious to y^e Governmt. in There Late Actions, we Can by noe Means Approove of So farr (at Least) as To Admitt Them to places of That Trust

And Surely Gentlemen Since There is so many Other Deserving P^{erson}s both among your Selues, & in y^e Country you Will not differ with us on This Acc^t & bring y^e Designe of

Obligging Such Persons in Competition with y^e Peace Safety & Preservation of y^e whole Province

Thus you See Gentlemen how farr we aduance to meet you in way of Reconsilliation waueing those pretentions wth no Other Consideration but y^e Peace of y^e Province would giue from us & as we are Willing to belieue you are Actuated by y^e Same Principles & Reasons. So we hope you Will herein Accord With us & Put an End at Last this unhappy Subject. w^{ch} has so Long Recarded more Seasonable buissness—

for Wee cannot think of perfecting any Other bills untill the Money bill be Determined of w^{ch} Opinion you were your Selues. when you Told us in a late message from your house (w^{ch}. we have Now Orderd To be Read to you) that all y^e. Rest of your bills had Such a dependance on y^e money Bill That you could not Come to Conclusion of any Thing untill you first saw y^e Issue of all Disputes Relateing to it & upon w^{ch} Acc^t it Was. That we Did not Read y^e Two Last bills you Sent us

N Johnson

Orderd

That Lang^r. Tho Smith & Mr. Jn^o. Wilkins Carry up y^e following message to y^e Gouvern^r. & Councill./—

May it Please yo^r. hon^r.

When we had read & Examind your Last message & Considerd your proposall in y^e first Part of it. we were in great hopes Concerning to a finall Determination of What has been so Long Debated betwixt us.

But when you Come to make your Exception agst. Coll Logan, we must be Plain that, that Exception came to Late, for he was Voted Receiv^r. by y^e unanimous voice of y^e Whole house & That vote Confirmd with y^e Resolution of y^e Same/

Yet if it were not so. y^e Design you Seem to be upon; Can by no means Surprize us. being Well Satisfyed if it were received from Our firm resolution & allow of those Seemingly fair Objections w^{ch}. you make agst. Coll Logan. we Shall do no Less then Quitt our Right & Let your hon^r. into a Nomination of a Rec^r w^{ch}. we are by no means Willing To allow of./

We are agreed that y^e Difference betwixt y^e house of Commons & your hon^r. ab^t. Nameing a Publick Rec^r. Should be Submitted to y^e Determination agreed upon but in y^e meantime we Cannot recede from Our Resolution of Nameing Such Receiv^r. &

we are of Opinion That y^e Receiver, we haue Appointed Stands more free from those Charges of Rioting & Such Reflections than a great many Others yo^r. honn^r has a p^ticular Respect for

Tho: Cary Speak^r

The house Adjourn'd Till To morrow morning Eight a Clock

Saturday June The 28th: 1707—

The house mett According To Adjournm^t

A message from y^e Govern^r. & Councill by Cap^t. George Evans & is as followeth Viz^t)

Gentlemen

You very grosly mistake y^e Nature of y^e Expedient we Proposed to you. When you Say that if you allow of Those Seemingly fair Objections w^{ch} we make agst Mr. Logan you Shall Doe no Less then Quitt your Right, and Let us into a Nomination of a Receiv^r.

for you may Remember this Was Proposed by Way of Accomodation untill y^e Queens Pleasure was further heard and Surely it Can Never be understood y^e Invasion of any one Right when they are Only Advised against Admitting unfitt p^{er}sons to Places of Trust & honour and if you haue any Scruple on y^e Truth y^e Objections agst. Mr. Logan Tho. you unwarrily acknowledge it in your Last answer) we p^{re}duce Such Proofs thereof as Cannot be Denied./

But wee See Gentlemen That you are Resolved to ingross y^e Whole Legislatine. & Thereof one it is in Vain to Reason any Longer with you for you are So much Prepossess'd in favour of Mr. Logan, That you haue already determind to Preferr him to y^e good & Safety of the Countrey Closing your Eyes to all Other Considerations—

Wee are Weary of y^e insignificancy & uselessness of these Paper Disputes & Will Continue Them no Longer but Appeale to god, y^e Country & Those moderate p^{er}sons of your owne house if we haue not Done all Thats Possible for us to do (without betraying their Lordssps Rights & Our Own Reason) Towards an agreem^t w^{ch} Proneing at Last in Effectuall as wee cannot Recede from These our Reflections so we must Submitt y^e rest to the more Powerfull guidance & Direction of providence

N Johnson/

Orderd

That a Committee be Appointed for Drawing up Grievances Relateing to Trade & That Mr. Motte Coll Logan W^m. Smith Esq^r. & Mr. Mackpherson be a Comittee Accordingly & Lay y^e Same before This house on Tuesday Two a Clock

Orderd That a Comittee be Appointed to Draw up y^e Greivances of y^e Indian Trade & bring in y^e Same to This house on Tuesday Two a Clock & That Cap^t. Tho Neirne & Mr. Rich^d Berisford be a Comittee Accordingly

Orderd

That Mr. Henry Wigington Lay before This house on Tuesday Two a Clock Such griveances That he Knows of Committed in y^e Courts—

Orderd

That Cap^t. George Evans Lay before This house all Such Papers & Depositions w^{ch}. was Delyverd him by y^e Ord^r. of y^e house of Comons relateing misdemean^{rs} Comitted by John Pight Musgroue & Others on munday Two a Clock & That Mr. Speaker Sign This Ord^r./

Tho: Cary Speak^r:

The house Adjourn'd Till Munday Two aClock

Monday June 30th: 1707—

The house mett According To Adjournm^t

Cap^t. George Evans According To Ord^r. Laid before This house all Such Papers w^{ch} was Deliverd him Relateing to y^e Indian Trade—

The house Adjourn'd Till to morrow morning Eight a Clock

July 1th: 1707—

The house Mett According To Adjournm^t—

The Committee

Mr. John Strode According To Ord^r. brought in a Declaration of y^e P^rceedings of This house To be made Publick for y^e Sattisfaction of all People w^{ch}. he read in his Place & afterwards Deliverd it in at y^e Table w^{ch} was agreed To & orderd to be ingross^d—

The house Adjourn'd till Two a Clock in y^e afternoon

The house mett According To Adjournment
Orderd

That Capt. Geo: Smith & Mr. Robert fenwick wait on y^e Govern^r. & Councell to Know of their hon^{rs}. if They Would Accept of any bills w^{ch}. haue no Dependance on y^e Money Bill Who being Returnd Acquainted y^e house y^t. y^e Govern^r. offerd them for Answer Part of Two of our messages Signifying that we would not go upon any buissness till The Point of Right about y^e nomination of a Receiver Was Determined./—

To Which Wee answerd that Our house meant no Other wise by Such universall tearms yⁿ. Such act, as had a Certain Dependance on y^e money bill, And y^e Govern^r replyed y^e nomination of y^e Receiv^r. was y^e Thing contended for & he would accept no bill untill That was Ended./—

This Day Severall Articles of Charge were Read agst. Nich^o Trott Esq^r. Cheife Justice And Approved of by the house And as follows./ Viz^t

Orderd That Mr. Speaker Sign y^e Same./—

Orderd

That Landgr^r Smith Mr. John Raven Mr. Woodward do goe to y^e Govern^r. & Councell with y^e Said Articles and Read y^e Same to Them, & Desire to know if They Please To appoint a Judge or Judges in y^e Room of Said Said Nich^o. Trott That So he may be Tryed upon y^e Said Articles at a Session with all Convenient Speed & further To Acquaint them, That When They haue so Done This house will Delyuer y^e Articles fairly In-grosd To y^e Governer/

The house Adjourn'd Till To morrow morning Seaven a Clock—

Wedensday July y^e 2th: 1707—

The house mett According To Adjournm^t—

Coll George Logan a member of This house and Nominated Publick Receiver Delyverd himselfe to y^e house in y^e following message

Mr. Speaker

Since my being Nominated for Receiv^r. by This honorable house has been made a Pretence by y^e Govern^r. & Councill of y^e Differences between y^e Two houses. I am Verry Willing so it Consist with y^e Good Likeing & hon^{rs}. of this house To Whome

I Likewise Pay my utmost acknowledgments for there good Opinion of me, to Resigne and quitt my Place of Publick Receiver

upon Which y^e house informd y^e Said Coll Logan That they were unwilling to Part with an Officer, of whose honesty & fidelity They had so Long & great Experience in his Place of Publick Receiver but Since it was his voluntary Act To resign up y^e Said office they did Return him Thanks for his Care in y^e managmt thereof hitherto: /

Resolvd That a bill be Drawn up & Prepare to Declare y^e Right of y^e house of Comons for y^e Time being to nominate y^e Publick Receiver & y^t Cap^t. Neirn & Cap^t Geo Smith do Prepare & bring in y^e Same Immediatly

Orderd

That y^e Said Neirn & Smith do Prepare a message to be Sent to The Govern^r. & Councell To Acquaint Them That Coll Logan had Resignd his Place of Publick Receiv^r. & to recommend y^e afores^d. Act for To declare y^e Right of y^e house of Comons to Name a Publick Receiv^r. to their Reading w^{ch}. They Did accordingly & are as followeth

May it Please yo^r. Hon^{rs}

Altho This house is y^e Only Proper Judges of The Qualifications of Such p^{ersons} with whome it is Proper To Intrust y^e Publick money, & Tho the Gent. whome we nominated wanted Neither honesty nor abillity, fitt for Such a Trust, yet That the Publick Buissness may be no Longer hindred on his Account, he hath voluntarily Paid y^e Assembly to Nominate another p^{erson} in his Place w^{ch}. we are Willing To Comply with if yo^r. hon^r Pleases To Pass y^e Act w^{ch} wherewith Send you, to y^e End That This Dispute may Never be Raised again To hinder y^e Dispatch of Publick affairs—

A Bill Declaring y^e Right of y^e house of Com^{ons} for y^e Time being To Nominate y^e Publick Receiver was Read y^e first Time & Passd with amendments

Orderd—

That Cap^t. Tho: Nairn & Mr. Rich^d Berrisford Cary up y^e Said Bill & message To y^e Govern^r. & Councill

A message from y^e Govern^r. & Councill by Cap^t. Geo Evans Relateing To y^e Articles Agst. Judge Trott—

Orderd That it Lie on y^e Table

The house Resolv'd into a Grand Committe
According To y^e Ord^r of y^e Day to Consider of The grievances
&ca. & m^r. Speak^r. Left y^e Chair—&—

Mr. Henry Wigington Assumed The Chaire

Moud That Certain Grievances drawn up & Lying on y^e Table
be Read in Ord^r—

w^{ch}. being gon Through within y^e Committe & Examaind was
again read in y^e Committee & moud That y^e Chair man Leave
y^e Chair & M^r. Speak^r. Assumd y^e Same w^{ch} Was Done Accord-
ingly—

The Said Grievances were read in the house N^o. 4—

The house Adjourn'd Till two a Clock in y^e afternoon

The house mett According To Adjournm^t—

A Bill for Declareing y^e Right of y^e house of Com^{ons} for
y^e Time being To nominate y^e Publick Receiv^r was Read y^e
Second— & Past with amendments—

Orderd

That M^r. Will Smith M^r. John Raven M^r. Jones Carry up y^e
aboue Bill to y^e Govern^r. & Councell—

The house Adjourn'd Till To morrow morning Eight a Clock

Thursday July 3^d. 1707—

The house mett According To Adjournm^t—

Orderd That The.—

Bill Declareing y^e Right of y^e house of Com^{ons} be Ingrossd
Upon Reading The Bills Relateing to Establishing Bills of
Credit & appointing Receiv^r. & Compt^r—

The Question was Put whether Cap^t Geo: Smith Shall be Pub-
lick Receiver

Carried in the affirmative

The Question was Put whether y^e yearly Sallery of 150.£ for y^e
Receiv^r Shall Stand as it is in y^e Bill

Carried in y^e Affirmative

A Bill for Establishing Bills of Credit &ca. was read y^e Second
Time & Passd with amendm^{ts}—

A Bill for Declaring y^e Right of y^e house of Com^{ons} was Read
y^e Third Time & Passd into a Law—

Orderd

That Landgr. Smith & Mr fenwick Carry up y^e above Bills to y^e Govern^r. & Conneell./

Mr. John Strond & Mr. Mackpherson was agst. y^e s^d Bill & gaue y^e following Reasons Vizt—

The Right of Nominating y^e Countrys Receiv^r. being only in y^e Comons. till Our Opinions were rec^d from That undoubted right & Previllidge Which has been alway inherent in y^e. house of Comons by Nominating another Receiver (as y^e Govern^r. Would haue us) Contrary To a vote of This house and a Resolution thereupon That They Would not recede from there first nomination it Seems to acknowledge a Right in y^e Lords Propriet^{rs}. of nominating of y^e Receiver (or at Least of approueing the Person w^{ch}. is What y^e Govern^r. Insisted upon and Occaissiond So much Debate & further I cannot see Wherein y^e Said act will any ways advantage us When y^e Lords P^{rs} has a Negative upon all our Acts by w^{ch} means Their Lordssps may Repeale This—

The house Adjournd Till Two a Clock in y^e. afternoon

The house mett According To Adjournm^t—

Coll George Logan Esq^r. Late Publick Receiv^r. informd This house that notwithstanding his Voluntary Resignation of y^e Said Office. Some P^{rs}ons had Reflected on him as if by Resigning y^e Said office so Willingly and on Purpose to Prevent further Disputes & Differences betwixt The Govern^r. & Counceill & y^e house of Comons he Did Nothing but What he was forced To do

The house Thinking Themselves Oblidgd Publickly To Vindicate y^e Said Coll Logan in the matters afor^d

Orderd

That y^e Votes Resolution & Other matters enterd into y^e Journall Concerning The Said Coll Logan quitting & Resigning The Said office be forthwith made Publick & Posted up at y^e most Publick Places in Charles Towne and are as follows—

A message from y^e Govern^r. & Counell by Capt. Evan Gentlemen

The Country in Generall and we of y^e upper house in Particular are Oblidged to you for y^e measure you haue Now Taken with Respect to y^e affair of a Receiv^r & we Promise Our Selves

from This agreem^t That There will be Now a more Speedy Dispatch of buissness and as we are Justly Disliked your first Choice so we now with The Like Sincerity approue of Cap^t George Smith, and wish from Our hearts, That neither of us may meet any more Obstructions to a good Correspondence

N Johnson

Orderd

That

Carry up the follow^g

message To y^e Govern^r. & Councell—

May it Please yo^r. hon^r—

Wee Cannot beleive y^e Country would in y^e Least Think themselves Oblidged to us, if They thought we Should approve of yo^r. hon^{rs}. Dislike of our first Choice of Our Receiv^r. or if They Should Thinke we were any ways Concernd at your approving or not not Approving our Second Choice of Mr. Smith, for we Cannot Thinke so Our Selues—

However Since Coll Logan has generously quitted his Said Office in Ord^r. to p^rvent y^e retardeing Publick buissness, for Which we have giuen him Our Thanks, we Joyn with you in wishing That we may meet with nothing in our future Proceedings w^{ch}. may Tend To the breach of a Good Correspondence

Tho: Cary—

A Bill to Reueine & Repeale y^e severall acts within menc^oned— was Read & Orderd to be Ingrossd—

A Bill for Appointing Lookouts &c.— read & orderd To be Ingrossd—

A Bill for y^e Expedition finishing y^e fortification in Charles Town Read & Orderd to be Ingrossd—

A bill to Encourage y^e making Potash & Salt Peter was Read y^e Second time & Past with amendm^{ts}—

A Bill for Settling of Pilotage was Read y^e Second time & Past with Amendm^{ts}—

A Bill for Raiseing a Public Store of Powder was Read a Second Time & Past wth amendm^{ts}—

A Bill to make & Establish Bills of Creditt was orderd To be Ingrossd—

The house Adjourn'd Till to morrow morning Eight a Clock—

friday July y^e 4th: 1707—

The house mett According To Adjournm^t—

A Bill for y^e Better Regulat^{ing} of Elections was Read y^e Second Time & Past with amendm^{ts}—

Orderd

That Cap^t. Tho Neirne & m^r. Cochran carry up y^e Said Bill to y^e Gouern^r & Councell

A message from y^e Gourn^r. & Councell by Cap^t. Geo Evans with Severall Bills Viz^t

A Bill To Encourage making Pottash & Salt Peter—

A Bill for Settling Pilotage

A Bill for Raising a Publick Store of Powder

A Bill To Errect a Generall Post Office w^{ch} were read y^e Second Time & Passd with amendments—

A Bill for Regulat^{ing} y^e Indian Trade was read y^e first Time & Rejected—

Gentlemen

We haue Read y^e Bills for y^e Indian Trade & are Oblidged to Reject it being a grand monopoly & against y^e Express words of The Charter but are Willing To Receiue a bill for Regulat^{ing} That Trade agreeable To The Charter & Their Lord ^{ps} Instructions—
N Johnson

Orderd—

That a bill be Drawn and ^{ps}pared for y^e ^{ps}viding a further Fund & better Security of y^e Payment of y^e Publick Debts and m^r. Berresford m^r. Wigington do prepare & bring in y^e Same To morrow morning

An Act to make & Establish Bills of Credit for Raiseing y^e Sume of Eight Thousand Pound &c was Read y^e Third Time & Passd into a Law—

An Act for Reniuing & Repeale Severall Acts within mentiond & Passd into a Law./—

A Message from y^e Gouern^r. & Councell by Cap^t Evans with a Bill for Regulat^{ing} Elections w^{ch}— was Read a second Time & Past with amendm^{ts}—

Orderd—

That Cap^t. Tho Walker or in his Absence Mr Patrick martin do Receiue from m^r. Pawly one Raft of Cedar Post for y^e Publick use

Capt. Tho Neirn Praid Leue To bring in a bill for y^e Regulation of y^e Indian Trade

Orderd That Capt. Neirne haue Leaue To bring in y^e Said bill In y^e afternoon

The house Adjourn'd Till Two a Clock in y^e Afternoon

The house mett According To Adjournm^t—

Capt. Nairne According to Ord^r. Brought in a bill for y^e Regulating y^e Indian Trade./

A Bill for Appointing Lookouts was Read a Third Time & Passd into a Law./—

May it Please your hon^r.—

Wee were not more started at y^{or}. Rejecting y^e Bill for appropriating y^e Profitts of y^e Indian Trade to y^e Benefitt of y^e Publick than at y^e reasons you giue for your soe Doeing—

How y^e management of y^e Indian Trade for y^e Benefit of a Whole Country in Such a manner as is Prescribd in y^e Said bill can be a monopoly wee Cannot conceine unless we are Ignorant of y^e Signification of That Word nor Can we Thinke that because (grand) is made an Epithet to it, it is Possible for you To Imagine y^e word can extend to Signify, an ingrossing of a Trade by an Entire Community of People./

The method & Way we were upon for managing y^e Indian Trade by a Publick Stock is Exactly agreeable To Such Proposals as were made by y^e Late Gover^r Moore (who certainly understood y^e Nature of That Trade as well as any Man in his Speech to y^e house of Com^{ons} Jan^r: 15th: Anno 1702/3 wherein he Recomend'd to them as Worthy there Thoughts, Such a Regulation of the Indian Trade as might make it as well more Safe as More Profitable to y^e Publick Receiver, w^{ch} he advised might be best Done by Taking it into y^e management of y^e Publick and With w^{ch}. Advice y^e Comons then in being entirely Concurd upon Those Considerations it was That we fell upon y^e afores^d. method, and had Nothing more in View by Our Soe Doeing then Preserving our Safty & Enlargeing our Publick Revenues—

This wee would make Appear would Naturely haue arison to us by means of y^e aforesaid Project had your honn^{rs}— allowed us a free Conference, but Since we are So Strangly deprivd of That by your Rejecting our Said Bill without giving us y^e

Least notice we haue Reason to fear we Shall wee Shall too Soon be Sensible of y^e Loss of so good a Bill, and almost despair of finding our Security in any Other way whatsoever But Since we are under so fear full apprehensions & haue so great reason to Dread Our Utter Ruin and Destruction from a Continuance of y^e hurried Abuses & grievous mismanagements of y^e Trad^r Amongst y^e Indians we haue again Attempted upon yo^r. Encouragem^t. to find out Some other Way by a new Bill, To Preserue y^e Country and Ease The Oppressions y^e Indian Lie und^r. and haue hitherto unsuccessfully Complained of./—
Tho Cary Speak^r—

Orderd

That Mr. Robert Fenwick & m^r. Will Bull Carry the aboue message to y^e Govern^r. & Councell—

A Bill for y^e Regulateing y^e Indian Trade in read y^e first Time & Past with amendm^{ts}. /—

Orderd

That Cap^t. Tho: Neirne & m^r. Rich^d Berrisford Carry y^e Said Bill to y^e Govern^r. & Councell

The house Adjourn'd till to morrow morning Eight a Clock

Saturday July 5th: 1707—

The house mett According To Adjournm^t—

A message from y^e Govern^r. & Councell by Cap^t. Evans Viz
Gentlemen

Wee Verry Little Expected to receiue any Other bill Thiss Sessions for Regulateng y^e Indian Trade, because wee Could not Imagine you were acquainted that a bill once rejected Cannot be read again that Sessions for tho This bill be Writt on Other Paper & for y^e most Part framed on a Different scheme, yet it Bears y^e Same Still, & is to y^e Same 7thpose (Viz^t) y^e Regulation of y^e Indian Trade—

It is true, we told you yesterday on Rejection of your first bill that wee were Willing to Receiue any Other Bill for Regulateng y^t Trade but wth no manner of Intention or Designe to admitt it at This Time being altogether irregular, & unparliamentary, & Therefore Cannot Receiue yo^r. Last Bill This Sessions & w^{ch} for y^e reasons a foresaid wee had Imediatly Returned Last Night but that you adjourned on Our Receipt thereof—

Wee Think it Verry Strange Gentlemen, That you who on all Occassions Profess so hearty inclinations for y^e Good of y^e People can Think of any Thing before Paying y^e Publick Debts due to so any Necessitous p^{ersons} finishing y^e fortifications & Receiving y^e Acts for Want of w^{ch} y^e Poor People are in great Want. y^e Towne defenceless & y^e Publick Treasury Defeated of its Revenue—

Surely you Can never Expect to amuse any p^{erson} here after by Laying these Things at your Doors—

You Know how often, & how Earnesly wee haue invited and Desird you to p^{erfect} & Ratify y^e money Bill, What Concessions haue we not made to Induce you to it passing a bill To Settle y^e Right of nominating a Receiv^r In y^e house of Comons w^{ch}. no Consideration, but Compassion to y^e Present State of y^e Prouince Could mone us To Choosing rather to Hazard y^e displeasure of There Lordsp^s then see the Ruin of y^e Country— And after all. Even when those very Bills were Ingrossd & readily by your Own Consent for Ratification you most unaccountably postpond them To Other affairs that haue no Proportion in the Necessity

Wee See how improper it is to Oblidge Some People who make y^e Receiving one favour aright To Demand anoth^r

The Bills for y^e Ellections & Indian Trade, haue no manner of Dependance on y^e Payment of Publick Debts then no Person you may be Assurd will Refuse his money because those matters are not yet settled but Every Body will Blame us for trifeling away soe Much time to so Little p^{urpose}—

You haue Satt a Long Time already and its Reasonable to Think of a Recess therefore do Not any Long^r. Procrastinate Necessary buisness but Vindicate at Last, the faith interest honnour & Reputation of y^e Country by Paying y^e Publick Debts finishing y^e fortifications & revinueing y^e Acts w^{ch}. as They are y^e most necessary points In Demande, & w^{ch} you your Selves Promissd first To Take Notice of Soe we are Resolvd to giue them the Preference to all Other Considerations

N Johnson

Orderd y^t. Landgr^r Smith & Mr. Evan Mackpherson wait On y^e Govern^r. & Councell and informe their hon^{rs}. That This house Designs to Attend Them

Orderd

That Mr. Speak^r. & y^e Whole house Attend y^e Gouvern^r. and Councill with y^e following message/.

May it Please your hon^{rs}—

With the utmost Surprise & Confusion wee heard your Message, And poor Shadows of reason for Returning Our Second Bill for Redressing y^e abuses of y^e Indian Trade, a Thing w^{ch} yo^r. hon^r. haue Often Declared to be of absolute Necessity & is Now come to that height. That Want of Watches, forts, Loss of Duties &^{ca} is not To be Named in Comparison with it, & if it be Our unhappy fate To Live in Such a time when Our Country is Doomed to be ruined, we are not Sollicitous to Provide a defence for Our breasts when we may at y^e Same Time receive a mortall Stabb: thro Our Backs. As To yo^r. hon^{rs}. Pretence That This is y^e Same bill, it is so farr Otherwise That y^e nature Design & very Title are different & nothing Com^{on} to both, to make them the Same unless it be because y^e Words (Indian) & (Trade) are used in Each we haue often been told by y^e Generallity of y^e Inhabitants That we Should never be able to Secure any good Law for That End from yo^r. hon^{rs}. Tho we Our Selues had more Charity and Stronger hopes that yo^r hon^{rs}. would not be altogether so averse to any man^{er} of Regulac^{on} how moderate soever untill now That you haue been Pleased to giue us an unanswerable Demonstration of it

Yo^r. hon^{rs}. Seems Verry Earnest for Passing The money bill nor are we Less, but as To The Disproportion of y^e Necessity of That & y^e Other Relateing to y^e Indian Trade we Confes it is great Even as great as Some Peoples being without y^e money due To Them is in Comparison to y^e Apparent hazard and Ruin of y^e Whole Country a Thing y^e People in Generall are so Sensible & apprehensieue of That in Most Places They gaue it in Express Charge to us their Representatives to Proceed upon That and Preferr it To all Other Considerations./—

Yo^r. hon^r. Thinks it Improper to Oblidge Persons who make y^e Receiving One favour a Right To Demand another now we on Our Part know of no People yo^r hon^r hath granted favours to, and we are Sure Passing good Laws is a duty Incumbent upon all Govern^{rs}. Especially Whome Demanded by Soe Many Assemblies & y^e universall cry of y^e People, Neither Do we now Demande The Passing This Law as a favour but as a Right w^{ch}

we haue to Propose y^e methods of Redressing abuses and Providing for y^e Publick Safety. And yo^r. hon^r. by your Oath and y^e Duty of yo^r. Place is Oblidged to Assent to if we make appear not only y^e Conveniency but Necessity of Passing Such Laws which we are ready to do When you Please—

It is True we haue Sett Long already and do much Desire a Recess, yo^r. hon^r. hath Taken y^e Ready may That we Shall Soon haue it by Putting y^e house in Such a ferment That we are not Like To Stay Long together. however Admit it all y^e Confusions That Threatens This unhapy Country we Shall Still Enjoy That Tranquility of mind w^{ch} Constantly Attends those who haue faithfully Discharged there duty w^{ch}. is all y^e Comfort we haue untill it Please y^e divine Goodness Either to Influence yo^r. hon^{rs}. to Act in This Case for y^e Publick good, or to Send us a favourable return from y^e Queen Our Sovereign, To Whome we must now Address Our Selues with y^e utmost Application

Tho: Cary Speak^r

Orderd

That M^r. Grange & M^r. W^m— Bull Carry up [break of a word or two] Entituled an act for Declareing y^e Right of Comons &c^a in Ord^r. for you to fix Seals for Ratification, and Desire Them To Appoint a Short time for us to Come up for That Purpose/

A Message from y^e Govern^r. & Councill by Cap^t. Evans wth. y^e Act Declareing y^e Right of y^e house of Comons that They were Read to Ratifie y^e Said Act Provided y^e Money Act Come with it

Orderd

That m^r fenwick & m^r. Cochran wait on y^e Govern^r & Councill & Desire they Would be Pleasd To Appoint Some of Their members to mett Some of y^e members of This house in a Conference relateing to y^e Regulation of y^e Indian Trade

A message from y^e Govern^r. & Councell by Cap^t. Evans That They Would not admitt of any Conference relateing to the Said Indian Trade

The house Adjourn'd Till Three a Clock in y^e Afternoon

The house mett According To Adjournment

Orderd

That Capt. Neirn & Mr. George Chicken Carry y^e following message Viz^t

The house was so universally well Satisfied wth— Mr. Berrisfords management That we Returned him Our Thanks for his great Pains in y^e Publick Service & we are Strangly Surprizd to hear some part of his Journall Taxed with being false, w^{ch}. being of Consequence both to y^e Reputation of y^e house and That Particular member we Desire yo^r. hon^{rs}. To make Appear what part of That Journall you Can disprone

Tho Cary Speak^r

Orderd

That Capt. Neirn & Mr. George Chicken Carry up to y^e Govern^r. & Councill y^e act Declaring y^e Right of y^e house of Comons & ca. & y^e Act for Establishing Bills of Credit & in Ord^r. to haue there Seals for Ratification—

Resolvd

That This house will Take into Consideration y^e great grievances of this Prouince before any other Thing w^{ts}oever The Vote being put Whether y^e Two Acts for Assertaining y^e Right of y^e house of Comons & y^e Act Entituled of bills of Credit

I Do Decent from y^e Said vote it being positiuely my Opinion that y^e Regulateing y^e Indian Trade is the Cheif Thing necessary & Ought first To haue Past y^e house but not Withstanding our Utmost Indeavour To Regulate y^e Same we haue been unreasonably Obstructed so Cannot receede from my Resolution That if y^e Said Trade be not regulated I would not Joyne in y^e Proceedings upon further Buissness—

Rich^d. Berrisford¹

The house Adjourn'd Till Munday morning Eight a Clock

Munday July the 7th: 1707—

The house mett According To adjournment and Then

The house Adjourn'd Till Two a Clock in y^e afternoon

The house mett According To Adjournment

The house According To Saturdays Resolution ꝑceeded on y^e Greivances of y^e Prouince w^{ch}. were Read

¹He spelled his name Beresford, as did all members of the family in South Carolina. The copyist was evidently careless.

Orderd

That Coll George Logan & m^r. Henry Wigington do Prepare and bring in a Bill for y^e Better Regulating y^e Watch in Charles Town on Wedensday

A Bill for Repairing & Expedition finishing y^e fortification in Charles Towne was Read y^e Third Time & Past into a Law./—

A Bill for Encourageing y^e making Pottash & Salt Peter was Read y^e Third Time & Past into a Law

A Bill for y^e better Regulating of Election of members of Assembly was Orderd To be Ingrossd

A Bill to Errect a generall Post Office was Read y^e Third Time & Past into a Law./—

Orderd

That M^r. fenwick & M^r. W^m. Bull do Prepare and bring in a bill for Regulateing y^e Militia To morrow—

A Bill for Settling of Pilotage was Read y^e Third time & Past into a Law./

Orderd

That Cap^t. Nairn M^r. Stanyarn M^r. Hugh Grange & M^r. Woodward do wait on y^e Govern^r. & Discourse him Concerning his Last Speech Relateing to y^e Indian Trade & his finall Resolution & Lay y^e Same before This house to Morrow Morning—

Orderd

That Cap^t. Neirne & m^r. fenwick wait on y^e Govern^r & Councill with y^e foregoeing Acts

Orderd

That all Absenting members do Imediatly attend The Service of This house & That y^e messenger attending This house Serue Them with a Coppy of This Ord^r. and That M^r. Speak^r. Sign y^e Same./

The house Adjourn'd till to morrow morning Eight a Clock

June 8 Day

The house mett According To Adjournment

The house Adjourn'd Till Two a Clock This afternoon

The house mett According To Adjournm^t

Orderd

That M^r. George Chicken & m^r Hugh Grange wait on y^e Govern^r. & Councell and Desire his hon^r. would be Pleassd To Ap-

point Capt. John Cock Sen^r. Lookout on Sulivands Island./
This house Thinking him a ꝑper ꝑson for y^e Said Look Out
Orderd That m^r. Jn^o. Abra Motte M^r. Will Gibbon And M^r.
Mackpherson

be a Committe to Inspect y^e Late Publick Receiv^r. & Comptro^r.
& Powder Receiv^r. Acc^{ts}. & Report y^e State of y^e Same to the
house on Thursday next

Orderd

That George Logan Esq^r. Late Publick Receiv^r be Allowd in his
Acc^{ts}. y^e Sume of forty Pounds Curr^t Money for his Trouble
& Charge in gathering in y^e Late Publick Taxes & Cancelling y^e
Late bills of Creditt & other Trouble he was at in Pursuance
of y^e Same being According To y^e Intent of y^e Late Act of
Assembly Entitled an Act for y^e Raising y^e Sume of four Thou-
sand Pounds &c^a. ratified y^e 4 Day of November Anno Dom.
1704—

The house Adjourn'd till to Morrow morning Eight a Clock

Wedensday June the 9th: 1707—

The house mett According To Adjournm^t:/

A Bill for y^e better Settling & Regulateing y^e Militia was read
y^e first Time & passd with amendm^{ts}—

A Bill for Continueing y^e Impositions on furs Skins liquors
&c^a. for a fund for Sinking y^e Bills of Creditt—

Read y^e first Time & Passd with Amendments—

Orderd

That Capt. Tho: Neirne & m^r. Henry Wigington do prepare &
Draw Up an Address. Wherein They are so just that the Gov-
ern^r. & Councell are not a house of Lords nor a proper Judica-
ture before Whome any Impeachm^t. will Lie from a house of
Com^{ons} & therefore That this house cannot Think it Proper
to Impeach Judge Trott before Them. & Desire y^t y^e Said Trott
may be Suspended from his Office from his Office of Cheife
Justice and another Judge Appointed

A Bill for Regulateing a watch in Charles Town—

Read y^e first Time & Passd with amendments—

Read a Petition of Landg^r. Smith & Jn^o. Croskeys two of y^e
Execu^{ts} of Joseph Croskeys decesd Praying Leane to bring in
a bill To make good y^e Last Will of y^e Said Joseph Croskeys

and a Committee was Appointed to Examine into y^e Reasonableness of Said Pettision and Impowred to Send for y^e P^{ersons} Concernd & Report their Opinion thereof in Two hours/
The Committe aforesaid reported that y^e Petition afors^d. & y^e Allegac^{ions} therein Contained were approved and Appears to Them very Reasonable./

Orderd That Leane be given to Said Executors to bring a Bill for making good y^e Said Petition—

A Bill for making good y^e Last Will & Testament of Joseph Croskeys deceasd &c^a—

Was read y^e first Time & Past wth Amendments—

An Additionall Bill to an Act Entituled an Act for Settling y^e Estate & Title of Capt. John flavell &c^a—

Read y^e first Time & Past with amendm^{ts}—

Capt. Neirn & m^r. Wigington According To Order brought in an Address to y^e Govern^r. & Councells Concerning M^r. Trott w^{ch}. Read and Approved of by the house—

Orderd

That Capt. Neirn & m^r. Chicken Carry up y^e Last menc^{iond} Bills To y^e Govern^r: & Councill & acquaint Them That y^e house would Waite On Them with an Address of y^e Whole house & Desire To Know w^t Time They Will Appoint for y^e Same./—

The house Adjourn'd Till to morrow morning Eight a Clock—

Thursday July 10th: 1707—

The house mett According To Adjournment

A message from y^e Govern^r. & Councill by Capt. Evans who Informd y^e house That y^e Govern^r. & Councill were Ready To Receiue This house According To yesterdays message

Resolv'd—

That The Whole house attend y^e Govern^r. & Councill wth the following Address Viz^t—

May it Please yo^r. hon^r—

Wee Do once more apply Our Selues to you in Relation To M^r. Trott Thinking it Strange your hon^{rs}. Should Refuse To Suspend him from y^e Execution of his Office, untill his Cause be tryed in a Court Qualified to giue Sentence & from w^{ch} Either Party who Beleives themselves agrieved May have An Appeale & after y^e best Information y^e house Could Pos-

sibly Procure in This affaire it appears Plain To us That yo^r. hon^{rs}. are not Such a Court nor any way Like To a house of Lords, before Whome in y^e Kingdom of England Appeals Usually Lye & before Whome Impeachmt. are brought by y^e house of Comons Least therefore They Should be any Entire failure of Justice in y^e Country we Desire yo^r. hon^{rs}. as we Did before To Appoint another Judge that y^e Comons in Parliamt & all others for Their Own Particular wrongs may haue an Oppertunity of Prosecuting M^r. Trott for Such is y^e Aversion w^{ch}. y^e Whole body of y^e People haue (upon just Grounds Conceived agst. him That They Will Neither bring their Actions nor Serve as Jury men untill he be Either Punished or Legally Cleared of What is Laid agst him./ Tho Cary Speak^r— The house Adjourned Till two a Clock in y^e afternoon

The house mett According To Adjournmt—

M^r. Jn^o. Abra Motte Reported from y^e Committe Appointed To Examine y^e Publick Receiv^{rs}. Acc^{ts}. That They had finished y^e Same w^{ch} he Read in his Place and afterwards deliverd in at y^e Table/

Wee Referr yo^r. hon^{rs}. house to y^e Report of The Committe of Last Assembly—

The Receiv^r & Comptrol^r. haue Laid before us y^e Entry Inwards & Outwards & Their books of all y^e Goods Imposd & Exported from y^e 29th. march till y^e 9th. of July 1707 & we find all to agree Except Two Shill; y^e Receiv^r has Wronged himsele in Casting up a Sume/

Wee find also Ord^{rs}. for all y^e money y^e Receiv^r hath Paid According To his Books—

Wee find by y^e Receiv^{rs}. Books That Since y^e Last Auditing 29 march Last y^e Imposition on Skins & furs due To ball till 9th. of July 1707 Comes To . . . £255..2..6

And on y^e Imposition of Goods Imported & Exported & furs Excepted y^e Sume of £29..1..7³/₄—

Received Since y^e Last Auditing of y^e—

£4000 Tax 1704/5 with y^e Interest . . . £240..4..1

In all is Due To y^e Publick ꝑ Ball According to y^e Receiv^{rs}.— books four hundred ninety five Pounds Six Shill & Seaven Pence—

Wee find by y^e Last Auditting That by Ball of Building Churches

there was Due £333..1..— $\frac{3}{4}$ and Since y^e Receiv^r has Paid
£333..6..8. so he hath Paid in his Wrong five Shill 7 $\frac{1}{4}$ —

Wee find y^e Ball of out standing Taxes as follows — —

of y ^e . 4000 [£] Tax 1703 . . . —————	£343..8..3 $\frac{1}{4}$
of y ^e . 4000 [£] Tax 1704/5 . . . — .	£1240..8..9
of y ^e . 500 [£] & 2000 [£] Taxes . . . —	£136..9..5 $\frac{3}{4}$

£1720..6..6—

Resolvd That y^e House agree with y^e Committe in y^e s^d. Repot^t
Resolvd—

That Coll George Logan Esq^r. Late Publick Receiv^r be Allowed his Commission of Two & halfe ᵀ Cent for Paying y^e Ball of his Acc^t. Due To y^e Publick unto Cap^t. George Smith now Receiver —————

Resolvd.

That What Noats y^e Late Receiv^r hath Now in his hands for Duty of goods y^e Present Reeceiv^r— shall Take y^e Same in Payment Towards y^e Ball of his Account—

Resolvd

That y^e Late Receiv^r— be allowd Seaven Shill & Seaven Pence farthing he having givin y^e Publick Credditt for so much in his Own Wrong—

Orderd

That Mr. Speak^r. Sign y^e foot of y^e Late Receiv^{rs}. Acc^{ts}. They being Adjusted & allowd of by The house./

The house Adjourn'd Till To Morrow Morning Eight a Clock

fiday June¹ y^e. 11th: 1707—

The house mett According To Adjournm^t—

Resolved—

That y^e house will Leane y^e matter of y^e ᵀ ^rSents as is Expressd in y^e Bill at ᵀ ^rSent

Resolved

That Assoon as y^e house Can (in a Parliamentary way They will ᵀ ceed upon y^e bill for Regulateing y^e Indian Trade

The house Adjourn'd Till Two a Clock in y^e afternoon

The house mett according to Adjournment

¹Should have been July. The same also on pages 84 and 85.

A message from y^e Govern^r. & Councell by Cap^t. Evans—Concerning Cap^t. Kimbers Acc^t.

A message from y^e Govern^r. & Councell ꝑ Ditto Concerning m^r Trott

An Additionall Bill To an Act Entituled an Act for Settling y^e Estate & Title of Cap^t John Flavell &c

Read y^e 2^d Time and Past with amendments—

A Bill for Regulateing a Watch in Charles Town—

was read a Second Time & Passd with amendments

A Bill To Continue y^e Imposition on Liquors &c read a Second Time & past with Amendments—

Orderd That m^r. mackpherson & Mr. Bull Carry up y^e above mentiond Bills to y^e Upper house

A message from y^e Govern^r. & Councell by Cap^t. Geo: Evans Relateing To judge Trott Viz^t

Gentlemen

Surely you never Read or Considerd Our Answer to your Last Address Otherwise you would not again urge yo^r. Desire To haue us Appoint another Judge before whome you might Prosecute m^r. Trott without Taking notice of or Endeavouring to Obviate y^e. Reasons we then gaue you

Wee Plainly Informd you That Such Proposals were Irational & unpresidented & that no judge of Record by Commission may be Questiond before another Judge for misdemeaners done in his Office. This you Take no notice of, or rather by yo^r Silence Approue y^e Same. but yet would Put us under y^e Necessity of Doing what we haue already told you is Irationall unpresidented & agst. Law

You Say we are but Such a Court, nor any way like to a house of Lords before Whome in y^e Kingdom of England Appeals Usually Lye and before whome impeachm^{ts}. are brought in by y^e house of Com^{ons}—

We answer you y^t. we are a Part of y^e Legislatiue Power of This Province so we haue as much Right to hear Complaints as you haue to Impeach & Think it is much more to y^e Dignity

of y^e house of Com'ons to bring an Impeachment before us Then before an Inferiour Judge of Assize, who if his judgment happen not To be Approvd may be Questioned by Those who Submitted to it You Seem carefull That There be not a failure of Justice but forget that you Endeavour y^e Contrary by his Owning Our Power in y^e Case of Impeachments Tho in a former message we Told you Our judgment Should not be Conclusiue but That you might from Thence appeal To y^e Proprietor or y^e Queen In Councell As To What you Say That y^e Aversion of y^e People agst— Mr. Trott is Such, That they Will not Try their Causes before him nor Serue as Jurymen, we Cannot Tell What you mean by those Dangerous Expressions, & allowing y^e— People a Liberty whether They Will Obey there majestates or not y^e Law Requires them To Serue as Jurymen, & y^e Penalties of That Law will oblidge Them to giue Obedience to it

And as to P^{er}sons refuseing to bring there Actions before him we would not Advise any One That is indebted to fancy that their Credittor will rather Loose There money Then Sue for it before him—

That is What we Think fitt To say in answer To yo^r. Last Address, Since y^e Receipt of Which Mr. Trott has produced before us a Comission for cheife Justice from y^e P^{ro}prietors who are so Care full of keeping up his power and not To Subject him to be Tryed by inferiour Courts not Even by us There representatives, that in There Said Commission They Expresly Ord^r— that he Shall hold & Continue as Cheife Justice untill Such Time as upon a hearing before Them in England he Shall be judged unworthy of That Place—

Soe That now if you intend to make any Complaint agst. Mr. Trott you must Lay it before y^e Lords P^{ro}prietors in England, who haue giuen him his Comission, & to Whome hes Accountable & to no one Else, so That would you now admitt it we Cannot ajudge y^e Premisses for by this New Commission from y^e Lords y^e Power is absolutely Taken from us & Reserved to Themselves, as Was formerly in There Commission to judge Bohun

N Johnson

A Bill for y^e Better Regulating y^e Watch in Charles Town was Read & Orderd To be Ingrossd—

A Bill to Continue y^e Imposition of Liquors &c^a. was read &

Orderd To be Ingrossd.

A Bill for Settling y^e Estate of Capt. Jn^o. flavell was read y^e Second Time and Passd into a Law—

The house Adjourn'd till to morrow morning Eight a Clock

Saturday July y^e. 12th:

The house mett According To Adjournment

Orderd

That y^e Publick Receiv^r. Do Pay out of y^e Publick treasury To Capt. Tho Walker Every Three months y^e Summe of Twenty Pounds as a Sallary for his being Comand^r. of y^e fortifications at Charles Town & Providing Two months fees for his Assistance and This Ord^r. be Sent to y^e Govern^r. & Councell for There Concurrence
Tho Cary Speak^r

Assented To in y^e upper house N Johnson

Orderd That Mr. William Gibbon & m^r. Mackpherson Carry y^e above Ord^r. to y^e Govern^r. & Councill

Orderd—

That y^e Cap^{tns}.. of Each Company Make Search in There Severall Companies. for y^e Arms belonging to y^e Publick Lost in y^e Allaram and Shall Return y^e Same when found to Said Walker Capt. of y^e fort./

A Bill for y^e better Regulateing y^e Watch in Charles Town was Read y^e Third Time & Past into a Law—

A Bill To Continue y^e Impositions of Liquors &c^a. was read y^e Third Time & Passd into a Law—

A Bill for Settling y^e Estate of Capt. Jn^o. Flavell &c^a— was Read y^e Third time & Passd into a Law—

Orderd—

That Mr. W^m. Gibbon & m^r. Grange Carry y^e above Bills to y^e Gouvern^r. & Councell—

Orderd

That The Publick Receiv^r. giue Landgr. Tho: Smith a Receipt for his Tax being Thirty Seaven Pounds Sixteen Shill & nine pence he having already giuen Creditt for y^e Same in his Acct. To This house Tho: Cary Speak^r—

Orderd

That Mr. Speak^r. Sign To y^e Two Schedules of Debts— amounting to y^e Summe £8621.,—6.,—6¼—

The house adjourn'd Till Two a Clock in y^e afternoon

The house mett According To Adjournment

Orderd

That m^r. Robert fenwick & m^r Jones Carry y^e following Orders to y^e Gouvern^r. & Councell for There Concurrence

July 12th: 1707—

Orderd That Capt. George Smith Publick Receiver Do Pay unto Thomas Hepworth Clerk of This house y^e Summe of £43.,12.,6 for his Attendance Pen Ink Paper filling Cutting Sealing and Wax for Country Bills and ingrossing Acts & Journall and That This Ord^r. be sent to y^e Govern^r. & Councell for There Concurrence Assented to by y^e upper house Tho: Cary Speak^r—

N Johnson

July 12th 1707—

Orderd—

That y^e Publick Receiver pay unto Robert Ellis messeng^r of This house y^e Summe of Thirteen Pounds Eighteen Shill & nine pence for his Attendance and Sending for Members and that it be Sent to y^e Gouvern^r. & Councill for There Concurrence

Tho Cary Speak^r.

Assented to by y^e Upper house

N Johnson July 12 1707—

Orderd

That Capt. George Smith Publick Receiv^r. Do Pay unto M^r. John Woodward upon y^e Acct. of John Cocket Indian Trader y^e Summe of five Pounds for his Attendance on y^e Late house of Com^{ons} w^{ch} Said Sum was by Them Order^d to be Paid to y^e Said Cocket but Omitted to be brought in to y^e List of Debts Due from y^e Publick & y^t This Ord^r— be sent to y^e Govern^r. & Councell for There Concurrence

Assented to by y^e Upper house

Tho Cary Speak^r

N Johnson—

The house was Prorogued till Munday Next

Munday July 14: 1707

The house mett According To Prorogation./

Orderd—

That Capt. Tho: Neirn & m^r. Robert fenwick wait on y^e Govern^r. & Councill & Informe them That This house are mett

According to Prorogation

Orderd

That a Committe be Appointed to bring in a bill for Makeing & mending high ways & That m^r. Robert fenwick & m^r John Woodward & m^r. Will Bull be a Committe Accordingly & bring in y^e Same to morrow morning

Orderd

That Capt. Neirn & M^r. Jones do bring in a bill for regulating y^e millicia & a bill for Regulating Elections in y^e after noon Two a Clock

The house Adjourn'd till two a Clock in y^e afternoon

The house mett According To Adjournment

Capt. Neirn According To Ord^r. Brought in a bill for Regulating y^e Indian Trade a bill for Regulating Ellections & a Bill for Settling y^e militia—

A Bill for Regulateing y^e Indian Trade—

A Bill for Regulating Elections—

A Bill for y^e Better Setling y^e millitia

All 3 Read y^e first time and Passed wth Amendm^{ts}—

Orderd

That William Smith Esq^r. & m^r. Chicken Carry y^e above Bills & following message to y^e Govern^r. & Councell—

May it Please your hon^r—

After haueing Seriously Considerd y^e matter of y^e Indian Trade, we are apprehensine That Succeeding gouern^{rs}., will Pretend not to be bound by This Act unless it be Ratified by there Lords Ƴs for Which reason we hereby Acquaint your hon^{rs}. That in Consideration of y^e Equivolent we Expect That your hon^r. Shall Ƴeure y^e Same to be Ratified in England, & That yo^r. honn^r— Shall giue bond to Refund y^e money if The Lord Ƴpriet^r Refuse To Ratify y^e Same This house is Verry Desirous to Exclude yo^r. hon^r. Wholy from all Ƴ^rSents & Would Willingly Know What annuall recompence you Expect for y^e Same

Tho Cary

The house Adjourn'd till to morrow morning Eight a Clock

Tuesday July y^e 15— 1707—

The house mett According To Adjournment

Read y^e Petition of Richard Nixon & Dorothy his wife Pray-

ing Leauē to bring in a bill to sell y^e Town Lott N^o. fifty four lately belonging To Rich^d Low deceased for Payment of his Debts—

Orderd That William Smith merch^t. m^r. Evan Mackpherson & m^r. Hugh Grange do inquire into y^e Matters in y^e Said Petition Sett forth, & Report there Opinion thereof to This house in y^e afternoon

The Committe aforsaid Reported y^e Petition afors^d. and The Allegacons therein Contained were approud & appear to Them Very Reasonable—

Orderd That Leauē be Given to Said Petition^{rs}. to bring in a bill According to y^e prayer of the Said Petition

Orderd

That Coll Rhett's books be Deliverd To m^r. Jacob Sature & m^r. Rich^d Parke to be Examind & stated with a P^ticular Acct. of What has been Expended in hoes Spades Axes &c^a. & Lay y^e Same before This house agst. ye next Setting—

The house Adjourn'd till halfe an hour after 2 a Clock

The house mett According To Adjournment

A Bill to Enable Rich^d Nixon &c^a. To Sell a Town Lot N^o: 54—

Read y^e first Time & Passd with amendm^{ts}—

A message from y^e Govern^r. & Councell by Cap^t. Evans with a bill for y^e better Regulating y^e Indian Trade

A Bill to keep Inviolatē freedom of Elections with y^e following message./—

Gentlemen

Wee were in hopes that y^e Prelinaries to y^e Indian Trade were already Settled between us; but Least of all Expected Such New overtures considering y^e unreasonableness of Them & The hardships you Would impose on yo^r. Govern^r. That he Should giue Security to refund y^e money if y^e Lords Propriators refuse To ratifie y^e act

You Know that all y^e Terms and Proposals relating to This affair are your own & not Ours. who on y^e score of y^e Necessity that you Informd us y^e Indian Trade was und^r. of a Regulation agreed To y^e Same

And now we haue Consented to yo^r. own Terms you Trump up new matters Soe inconsistent wth Our Power That we begin to Doubt yo^r. Sincerity in y^e Verry Designe & intent of y^e Bill— for wth. what colour of Reason Can you Expect That we should

Answer for There Lordships Resolution who best Knows y^e Extent of There Owne Privildges all that you Can in Reason Expect from us therein is Our Concurrence w^{ch} we haue frankly Offerd you in y^e way & manner already as wee Thought Agreed on

But Though we Doubt not, but That their Lordships According to There Wanted regard to y^e Prosperity of This Prouince will Readily Confirm So Necessary An Act as This Regulation & That wee Our Selues will Promote y^e Same by Letters to Their Lordships to That Purpose yet we Will be Under no Obligation that it Shall be Effectuated because it is Promiseing a Consequence not in Our Power, as well as an Extreem hardship On y^e Govern^r. who (if it Should so happen that There Lordships Should refuse y^e Confirmation (not Only must refund yo^r. £400 but be Deprived of all his Indian Presents Dureing y^e Pleasure of There Lordships is unknown

Wee See Plainly Gentlemen. That in This as Well as Other affairs you seek Occasions to Differ with us and Know not how to Limitt yo^r. Own Demands retreating when we Come up to you & Cloying one Concession With Another — — — Therefore if it be true y^t in good Earnest you would haue a regulation of y^e Indian Trade & That all you haue Done hitherto be not to Amuse us wth Causless fears of y^e ƒ^rSent inconveniences, if it be not your Own Private Interest That you would Sattisfy but y^e fears & desirs of y^e People Accept it Then on y^e terms already agreed on & if you must needs Exclude y^e Govern^r. wholly from all his ƒ^rsvns from y^e Voluntary Indians. Let us Know What Annuall Consideration you Would make him for them who is fully Disposed to part with Any Thing To Sattisfy y^e Reasonable dem^{ds} of your house, & we y^e Rest of y^e Deputies wth him are also Resolved y^t. y^e Indian Trade Shall Either Now be Regulated or at Least all y^e ill Consequences of y^e Neglect remoued from Our Doors & Therefore haue Sent Down y^e Bill read & past y^e first time in Our house wth Amendm^{ts}—

N Johnson

A Bill to make Good y^e Last will of Jos Croskeys &c^a was read y^e first Time & past wth. Amendm^{ts}—

The house Adjourned till to morrow morning Eight a Clock

Wensday July y^e 16: 1707—

The house mett According To Adjournm^t—

The Queson being put whether y^e house will take in any more Accts. Due from y^e Publick this Sessions—

Carried in y^e Affirmative

Orderd

That y^e Publick Receiv^r pay no money to any p^{erson} as y^e Schedull Signd by y^e Speak^r. of This house unless at y^e Same Time Such p^{erson} do giue y^e receiv^r a generall receipt in full of all Accts. Due from y^e Publick—

Orderd That Mr. Speak^r. Sign y^e p^{articulars} of debts due to Severall p^{ersons} Remaining unpaid in y^e Last Schedule Amounting to £868.,15..8¼—

Orderd—

That Mr. Hugh Grange & Mr. Will Bull wait on y^e Govern^r. & Councell and desire his hon^r. Would Appoint a Com^{mittee} of There house to meet a Committe of This house in a Conference Relating to y^e Indian Trade which was Done Accordingly—

A Bill for Regulating y^e Indian Trade was read y^e Second Time & Past wth Amendm^{ts}—

Orderd

That Mr. Rich^d Berrisford Carry y^e Said bill to y^e Govern^r & Councill—

Motion being made & y^e Question being put Wheter m^r. Edward Marston Should be Allowed his Sallary from y^e Time of y^e Ordinance of a former Assembly to y^e Decree Past for his remoual from y^e Church of St. Phillips in Charles Town by y^e Comission^{rs} Appointed by a former Act of Assembly—

Carried in the Affirmative

The house Adjournd till Three a Clock in y^e Afternoon—

The house mett According To Adjournm^t

Orderd

That Lt. Coll W^m. Rhett attend this house to Morrow morning nine a Clock & y^t. Mr. Speak^r. Sign y^e Same

Tho Cary Speak^r

A Bill for Regulating y^e millicia was Read y^e Second Time & Past with Amendments—

A Bill for y^e better Regulating of y^e Elections of members of Assembly—

was Read y^e Second time & Past with Amendments
Orderd

That M^r. Jn^o. Raven & m^r. John Woodward Carry y^e above
bills To y^e Govern^r. & Councill—

The house Adjourn'd till to morrow morning Eight a Clock

Thursday July 17th: 1707—

The house mett According To Adjournm^t

A message from y^e Govern^r. & Councill ~~to~~ Cap^t. Geo: Evans
with y^e. following Bills Viz^t—

A Bill to make good y^e Last will of Joseph Croskeys—

A Bill to anable Rich^d Nixon &ca. To Sell a town Lot n^o. 54

A Bill To keep Inuiolate freedom of Elections—

A Bill Bill for y^e Better Settling & Regulating y^e militia

a Bill for Regulating y^e Indian Trade was Read & ord^r. To be
Ingrossd

The house Adjourn'd to 2 in y^e Afternoon

The house mett According To adjournment

A Bill to Enable Rich^d Nixon to Sell a Town Lott N^o. 54. was
read y^e Second Time & past with Amendments—

Orderd That Cap^t. David Davis & m^r. John Raven carry y^e
Said Bill To y^e Govern^r. & Councill—

A Bill to Regulate y^e millitia was Ord^r. to be Ingrossd

A Bill for Repairing y^e high ways Creeks &ca, was read the
first Time & Passd with Amendments—

A Bill to make good y^e Last Will of m^r. Jos: Croskeys was
read y^e Second Time and Past with amendments—

Orderd That M^r. Geo: Chicken & m^r. John Woodward cary y^e
Two forgoing bills To y^e Govern^r. & Councill—

The house Adjourn'd Till to Morrow Morning Eight a Clock

friday July 18th—

The house mett According To Adjournm^t—

A Bill for making & mending highways was Read y^e Second
Time & past wth. Amendm^{ts}—

A Bill To Enable Rich^d Nixon &ca. to Sell a Town Lott was
Read & Ord^r. To be Ingrossd—

A Bill to make good y^e Last Will of Jos: Croskeys &ca was
Read & Orderd To be Ingrossd—

Orderd—

Mr. Rich^d Berrisford & m^r. Chicken Carry aboue bills To y^e Gouvern^r. & Councill—

A Bill for making & mending highways &c^a was read & Orderd To be Ingrossd—

The house Adjourn'd Till Two a Clock in y^e afternoon

The house mett According To Adjournment

Upon Motion—

Orderd

That m^r. Rich^d Berrisford Repaire y^e house being The Look-out on Swillivands Island—

Orderd

That Captain Kimber be Paid w^t. is allowd by y^e Schedull & his further Allegacon be Left to y^e Considiration of y^e Next Sessions—

A Bill for Regulatin y^e Indian Trade was read y^e Third Time & Passd into a Law—

Orderd—

That M^r. Woodward Carry y^e Said Bill To The Govern^r & Councill

A Bill for Regulating y^e militia was read y^e Third time & Past into a Law—

Orderd

That Landgr^r Smith & m^r. Will Bull Carry y^e aboue Bill To y^e Gouvern^r. & Councill— & y^e following Ord^{rs} Viz^t—

A message from y^e Gouvern^r. & Councill by Cap^t. Evans y^t This house would Send y^e Schedule of Debts to be Signd by y^{ee} Govern^r—

Orderd

That Landgr^r. Smith & m^r. Bull Carry y^e following message to y^e Govern^r. & Councill Viz^t—

May it Please yo^r. honn^r./

The Act for Raising y^e Sume of Eight Thousand pounds So Lately Ratified by yo^r. honn^r. Sufficiently impowring y^e Receiv^r— To Pay of & Discharge all Such Debts as Shall be Certified in a Schedule Signd by y^e Speak^r. of y^e house of Com^{ons} Sufficiently Convinces y^e house That it no ways necessary or Expedient To haue yo^r. honn^{rs}. Concurrence & Therefore have not Sent up y^e Schedull for That Purpose

Tho: Cary Speak^r—

Upon Reading y^e Petition of D^r. Williamson praying to be Paid—

Orderd

That y^e Publick Receiver do Pay out of y^e Publick Treasury unto Atkin Williamson y^e Sume of fifty Pounds as a Deed of Charity but not Owing his Right as minister of Charles Town and That This Ord^r: be Sent To y^e Govern^r. & Councill for there Concurrence

The house Adjourn'd Till to morrow morning Eight a Clock

Saturday July 19th. 1707—

The house mett According To Adjournment

A Bill To Enable Rich^d Nixon &c to Sell Land was Read y^e Third Time & Passd into a Law

A Bill to make good y^e Last Will & Testament of Jos Croskeys &c^a. was read y^e Third time & Past into a Law

A Bill for making & mending high ways was read y^e third Time & Passd into a Law—

Orderd

That Landgr. Tho: Smith & Mr. W^m. Bull Carry y^e aboue bills to y^e Govern^r. & Councill—

A Bill for Regulating y^e Election of members of Assembly was Read y^e Third time & Past into a Law

Orderd

That Capt. Neirne & Mr. Will Elliot Carry y^e aboue Bill to y^e Govern^r. & Councill

Orderd

That Capt. Neirne Lay before This house y^e Letter wrote by him to y^e Lords ¶ ¶s w^{ch} was read in this house Yesterdy

A message from y^e Gouvern^r. & Councell by Cap^t— Evans & is as follows—

Gentlemen

The Day before yesterday Mr. Marston had y^e Confidence to Come to y^e face of y^e Gouvern^r. & abuse him in Such manner That no ¶son but himselfe could haue forbor Punishing him for it & in y^e Evening of y^e Same Day you Sent us an Ord^r. of £150 to Pass for him

You might not Possibly have heard of his behaviour to y^e Gouvern^r. y^e Other Day. but you Cant forget his rude Scuevy Letter Sent To him Some Time ago w^{ch}. we laid before you

& Desird yor. Advice thereon but you Declined it Telling us Such Things did not Lye before you Therefore w^{te}ver your Designes are we will never Consent To Oblige Those who fly in y^e face of y^e Gouvernm^t. & w^{ch} you may remarke from more instances Thereon—

It was his Own ill behaviour That Caused a former house of Comons To Suspend him w^{ch}. hes so farr from Amending, That he Continues To This Day, railing both at That house & Ours So That to giue him any Thing would be To Confess a fault in us & a fear of him w^{ch} we cannot Either be Capable of or Consent To, untill he make y^e Pretended Justice of his Cause appear befor Those with whome he has Threatned y^e Gouvern^r—

But we See Gentlemen you are So farr from Discouraging This Carriage of his That you Would reward him for it by Giueing him £150 to w^{ch} he has no manner of Right but from his own Confident Pretences—

Therefore When at any Time you would not be Disappointed of Our Concurrance, you must direct Such Ord^{rs}. to us as Consist with hon^r. & justice & not Such as This of Marstons, who by his Preference in a Violent temper & Carriage has Rendered him selfe Worthy of Nothing from This Gouvernm^t— but There utmost Resentments

N Johnson

A message from y^e Gouvern^r. & Councill by Capt. George Evans with four Bills Sealed for Ratification—

Capt. Neirn According To Ord^r. Laid y^e Letter he Drew To y^e Lords ¶¶s—

Orderd

That a Committe be Appointed to ¶sue & mend y^e Said Letter & That m^r. Henry Wigington m^r— fenwick & m^r. Berresford be a Committe Accordingly

The house Adjourn'd Till Two a Clock in y^e Afternoon

The house mett According To Adjournment

Orderd—

That M^r. Speak^r. Sign y^e following Schedule of Debts Viz^t—

The R^t. Hon^{ble}. y^e Gouvern^r. S^r. Nath Johnson for Concentering to y^e Indian Trading Act . . . £400.,—,,—

To m^r. John Wilkins for Carrying & mount^g. great guns £2.,10,,—

M^r. John Woodward for Ditto . . . —£8.,—,,—

M^r. Atkin Williamson £50.,—,,—

Mr. Edw ^d . Marston	£150..—..—
Mr. Tho: Hepworth Clerk . . . — — —————	£15..12..6
Mr. Ellis	£..2..5.—
Cap ^t . Benj ^a Schenckingsh	£23..—..—
Mr. Weekley . . — — — —————	£8..—..—
	<hr/>
	£659..7..6

The hon^{ble}: y^e Speak^r. Decented agst. Signing y^e Said Schedull he having Signed One Schedule of Debts y^e Session before According To an Act for y^e Raising of 8000 pounds And Severall Ord^{rs}. now having y^e Concurrence of both house, Lying On y^e board & one in This Schedule menconed being Rejected by y^e Governer and Councill

Orderd

That Rich^d Berrisford Esq^r. & Mr. fenwick debate with the Govern^r. & Councill about Doctor Burnham Declaring y^e Com^{ons} had out Run themselves In Severall Things ꝑ^ticular in making themselves a Court in having a great Seale & in Appointing a Secretary in the Bill for Regulating the Indian Trade and for Which Reasons he believed the Lords ꝑ^tꝑ^s would not Ratify—

Resolved

That The Debts Menc^oned in y^e Schedule & Deliverd To y^e Receiver be first paid./

[The journal abruptly breaks off here. The general assembly was prorogued about this time and possibly the clerk of the House neglected to make his last entries. The House met again in October.]

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